

judgment, to the major supervision of the executive branch of the Government.

Mr. RUSSELL. Yes. Of course, the National Security Council has direct supervision over it.

Mr. HICKENLOOPER. Yes.

Mr. RUSSELL. But I wish to reiterate that although Mr. Allen W. Dulles has been before us and although we have asked him very searching questions about some activities which it almost chills the marrow of a man to hear about, he has never failed to answer us forthrightly and frankly in response to any question we have asked him. I think the Senator from Massachusetts [Mr. SALTONSTALL] has been present at practically every one of those meetings during the past 2 or 3 years.

Mr. HICKENLOOPER. Mr. President, I should like to ask only one other question, and then I shall conclude.

As the Senator from Georgia well knows, before the Joint Committee on Atomic Energy we have had Mr. Allen Dulles and his top assistants, in connection with the various categories of the activities of the Central Intelligence Agency. They have appeared before our committee in connection with matters applicable to our responsibility in the atomic energy field. I also wish to testify, following the statement of the Senator from Georgia, that at no time has Mr. Dulles or any of those under him who are knowledgeable regarding so broad a subject, failed to give us full, complete, and frank answers to our questions regarding the matters which come within our responsibility. Let me say that we, as a committee, do not attempt to trespass upon the responsibility of other committees in other areas.

Mr. RUSSELL. Yes; Mr. President; that has been the experience of the Armed Services Committee.

Mr. KNOWLAND. Mr. President, will the Senator from Georgia yield to me?

Mr. RUSSELL. I yield.

Mr. KNOWLAND. First of all, I wish to commend the distinguished Senator from Georgia for the very powerful argument he has made in regard to the differences between the Joint Committee on Atomic Energy and the proposed Joint Committee on Central Intelligence.

As the Senator from Georgia well knows, among the other differences is the fact that the Joint Committee on Atomic Energy was created by statute and was given legislative power, as a legislative committee. Matters relating to the Atomic Energy Act go to that committee.

Second, I refer to a fact which must be brought home in this connection: I know that the President of the United States and others in the executive branch of the Government have very grave misgivings regarding the pending concurrent resolution, not only for the reason that the lives of Americans who may be seeking to obtain information which we need for the very defense of our country may be involved, but also because we have cooperative arrangements with other agencies and perhaps with friendly countries, and the slightest leakage of information regarding perhaps just one field of activity might re-

sult in the disclosure of all the agents who had been operating there, and might mean their death by hanging or execution in the matter of a few days' time.

Mr. RUSSELL. Of course they would be liquidated immediately.

Mr. President, I shall not dwell on all of the many differences between the CIA and the Atomic Energy Commission. Instead, I shall point out only one or two.

In the first place, the principal operations of the Atomic Energy Commission are within the United States, whereas most of the operations of the CIA are outside the United States. The Atomic Energy Commission is primarily concerned with preserving security. On the other hand, the CIA is primarily concerned with breaking security and obtaining secrets. There is a great deal of difference between the two groups, when we consider that fundamental of their activities.

I feel very deeply that it would be a serious mistake to approve the concurrent resolution.

The Committee on Appropriations is headed by the distinguished Senator from Arizona [Mr. HAYDEN]. Representatives of the Central Intelligence Agency come before the Committee on Appropriations each year. I have been present on 2 or 3 occasions when the committee was hearing the request of the CIA for funds with which to operate. The representatives of that Agency have never failed to answer a question which was asked on any of the occasions when I was present, as to the operations and the use of the money which had been appropriated for the Agency.

Great stress has been laid on the fact that the law does not limit the expenditures for individual personnel, as made by the Director of the Central Intelligence Agency. I can say here—and I do not think it involves any violation of secrecy—that that question has arisen repeatedly, both in the Appropriations Committee and before the subcommittee of the Armed Services Committee, when the Director of the CIA appeared before the subcommittee. With the exception of the Director and his assistant, whose salaries are fixed by statute, all the other employees are paid according to civil service scales.

It has been exceedingly difficult to obtain the character of men needed to carry on this work. The CIA cannot spend a mere plodder or dullard, however earnest he may be, to do some of the work which is necessary to be done. With the exception of the Director and his assistant, whose salaries are fixed by statute, the agency pays only civil service scales.

Mr. President, I can think of no sound reason which would justify approval of this concurrent resolution. I think it would be just as appropriate to establish a joint committee to deal with foreign policy—or perhaps even more appropriate—as it would be to establish a joint committee to deal with the Central Intelligence Agency.

I shall endeavor, to the best of my ability, to keep in touch with what the

CIA is doing. I do not mean to say by that that I intend to undertake to find out whether or not we have an agent in some foreign country—perhaps a satellite—who is tapping the telephone of some foreign embassy, or anything of that nature. However, I shall undertake to exercise as close supervision over this Agency as is ordinarily exercised by the parent committees of the Congress in dealing with the agencies which are responsible to them.

I doubt very much whether the heads of many of the independent agencies have spent more time with the committees to which they are supposed to report, over the course of the average year, than Mr. Dulles, as Director, has spent before my committee.

This is a grave question, and one which should not be considered from the standpoint of politics. It should be considered only from the standpoint of the national interest. In my judgment, the national interest does not require that we create a new joint committee, with a new staff. To do so would result only in increasing the hazards to the lives of those who work for the CIA and cry up sources of information which are vital to the national security.

Mr. SALTONSTALL. Mr. President, will the Senator yield for one question?

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. Does not the Senator agree with me that the CIA is essentially a service agency? It is not a policy-making body in any way as is the Atomic Energy Commission, to which reference has been made. The differences between the two have been pointed out. The CIA is a service agency. The Director, Mr. Allen Dulles, does not make policy. He does not judge conditions. He merely reports to the National Security Council, which is directly under the President, who is the Director's boss.

Mr. RUSSELL. As I undertook to state at the outset of my remarks, I was somewhat dumbfounded to note that the argument had been made that the CIA was a policymaking agency. I think it is far from that. The best analogy I can draw is this: When the National Security Council meets—and there is present in the Chamber at this moment the distinguished junior Senator from Kentucky [Mr. BARKLEY], a former Vice President of the United States, who sat with that Council through some of the very trying hours in the life of this Republic—it has two primary advisers. The first is the Chairman of the Joint Chiefs of Staff, of the Military Establishment, to advise as to the military situation. The second is the Director of the Central Intelligence Agency, who gives the National Security Council the results of the efforts of his Agency in relation to the intelligence it has been able to assemble concerning the problem at hand. He is an adviser. He is not even a member of the National Security Council; and by no stretch of the imagination can the CIA be considered a policymaking agency.

In the course of the debate on Monday, which I have read, a number of extraordinary questions were brought up. Among

1956

to which we would subject ourselves and which we would assume by the creation of such a committee and taking the chances on its operations.

As the Senate knows, Congress enacted a law creating the Central Intelligence Agency. That Agency is a confidential body. It is an arm of the President of the United States for obtaining, not only in the United States, but all over the world, information which is of advantage to him in the protection of the interests and rights of the American people. Being an arm of the President, it is therefore an arm of the National Security Council.

CIA is the information-gathering agency of the National Security Council. The duty of the CIA is to gather from all sources and to lay before the President and the National Security Council information of the most intimate and confidential nature, which will enable the President and the National Security Council to act to protect the security of our own country, without making public the information which this Agency has gathered from all parts of the world.

I sat on the National Security Council for 4 years as Vice President of the United States. The present Vice President has sat on it since his induction into office, on the 20th day of January 1953. Some of the information gathered by the Central Intelligence Agency and laid before the National Security Council itself was so confidential and secret that the very portfolios in which it was contained were under lock and key. The members of the National Security Council were not even permitted to take those folders and portfolios to their homes. They had to be unlocked in the presence of other members.

One of the distinguished heads of that Agency for 2 or 3 years was Gen. Walter Bedell Smith, the famous soldier and diplomat. During the time when he was the head of the Agency he sat in the National Security Council. The information I received as a member of the National Security Council, in my capacity as Vice President, was so confidential that I would lose my right arm before I would divulge it to anyone, even to members of my own family.

To say that now we should establish a joint committee to pry into and look into secret documents, to submit them before the joint committee, and to make them public seems to me incredible.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. BARKLEY. I am glad to yield.

Mr. SALTONSTALL. I would appreciate very much the Senator's views on what a staff member of such a committee could do. It seems to me that a staff member could do nothing.

Mr. BARKLEY. I presume the staff members, whoever they might be, would be under the direction of the joint committee, and perhaps under the chairman of the joint committee, whoever he might be. According to the custom of committees, whether joint or single, the staff members would probably be authorized by the joint committee, if not directed, to invade the precincts of the

National Security Council and obtain confidential information for the benefit of the joint committee, preparatory to a public hearing, to which they would have the right to summon members of the Security Council, and for which they would have the right to subpoena documents.

Mr. GORE. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. GORE. I am a member of the Joint Committee on Atomic Energy. In that capacity I have received information upon many occasions which I would regard as just as confidential, just as delicate, just as sensitive, as is the information to which the distinguished junior Senator from Kentucky has referred. It is difficult for me to draw the line of distinction. How is it that the Joint Committee on Atomic Energy can deal with the topmost secrets of the Government and establish a responsible record in doing so, a record both in the retention and safeguarding of secrets given in executive session, and also in the conduct of public hearings, when some other committee could not establish a similarly satisfactory record?

Mr. BARKLEY. The Senator from Georgia and the Senator from Iowa a moment ago discussed the fundamental difference between the Joint Committee on Atomic Energy and the proposed Joint Committee on the CIA. The Senator from Tennessee may not have been present at the time the discussion took place, and I should be glad to yield to the Senator from Georgia if he wishes to repeat what was said, because I am not a member of the Atomic Energy Committee, a member of the Armed Services Committee, or a member of the Appropriations Committee. Both the Armed Services Committee and the Appropriations Committee receive information from the CIA and also from the Joint Committee on Atomic Energy. I should prefer that the Senator from Georgia answer the question of the Senator from Tennessee.

Mr. RUSSELL. Mr. President, I stated that I was on the original Atomic Energy Committee of the Senate which wrote the legislation creating the Joint Committee on Atomic Energy, and I have served on that committee, although not so actively as has the Senator from Tennessee, during the past few years. I was on one of the original committees which was superseded by the Committee on Armed Services, and I had been on the Naval Affairs Committee ever since I became a Member of the Senate.

In my opinion, there is no comparison whatever between the activities of the two committees. The Joint Committee on Atomic Energy is supposed more or less to be a policy-developing agency which deals with tremendous programs of construction and production. Its primary function is to undertake to preserve secrecy within the United States. On the other hand, the CIA, which is a consolidation of the intelligence agencies which existed heretofore, functions outside the United States, and its principal endeavor is to break secrecy and to obtain secrets.

There is a great deal of difference between undertaking to preserve secrets as to what occurs in one of the great plants of the Atomic Energy Commission, and the case of Joe Jones who may be endeavoring to obtain secrets in one of the satellite countries, and who, if his activities were disclosed, would be liquidated immediately.

Mr. GORE. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. GORE. A little more than an hour from now a subcommittee of the Joint Committee on Atomic Energy is scheduled to meet in executive session. One of the great military figures of our country is scheduled to testify before it. He is called to testify on one of the most sensitive and delicate matters of national policy. He is to discuss stockpiling and stockpile needs and requirements. That is just as secret, just as sensitive, just as necessary to be safeguarded as is the information to which the able junior Senator from Georgia has referred.

As I understood his remarks, the distinguished junior Senator from Kentucky was addressing the Senate on the inadvisability of having a joint committee of the Congress deal with highly secret matters. I rose to point out that the committee on which the junior Senator from Georgia and the junior Senator from Tennessee have the opportunity to serve has established an enviable and almost unblemished record of preserving secrets, dealing with them responsibly, and also holding public hearings so as to enlighten the public on matters which can safely be brought to public notice. I cannot quite draw the line of distinction.

Mr. RUSSELL. If the Senator from Kentucky will indulge me, I did not make the point he cited. The Central Intelligence Agency does report to the Armed Services Committee when it is requested to do so. I have stated that they have answered frankly, forthrightly, and fully every question asked by the Armed Services Committee. There is no necessity for having the proposed joint committee when there are four committees which are in a satisfactory manner supervising intelligence activities, as has been done since the beginning of the Republic. I stated that there was no need of creating a joint committee, with a staff added, to undertake to delve into the activities of the Central Intelligence Agency overseas.

I do not wish to prolong the discussion. I appreciate the indulgence of the Senator from Kentucky, but I must state for the Record that I disagree with the Senator from Tennessee that there is no difference between evidence relating to stockpiling in the United States and evidence relating to someone who has succeeded in some satellite country in tapping the telephone of a foreign ambassador. I think there is a considerable difference. If we adopt his kind of policy and establish a new joint committee, we are going to dry up sources of information. Men will not be willing to endanger their lives, and there will be a disruption of the very fine cooperative relations existing between our agency and the similar agencies of other countries.

tries, notably the British Intelligence Agency, which has been one of the best for many years.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. RUSSELL. Mr. President, the Senator from Texas [Mr. JOHNSON] was called from the floor and asked me temporarily to function in his absence. I shall be glad to yield 5 additional minutes to the Senator from Kentucky.

Mr. BARKLEY. I thank the Senator from Georgia.

Mr. GORE. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. GORE. I thank the distinguished junior Senator from Kentucky.

The observations of the junior Senator from Georgia are well taken with reference to the substantial ground on which he has indicated he is opposed to the pending proposal. Other than on the ground that a joint committee cannot be trusted with preserving essential secrecy, I shall not challenge his position. But I would respectfully challenge the position taken by any Senator, if such a position should be taken, that a joint committee could not responsibly deal with the most sensitive secrets of our Government. It was for that purpose that I rose, and I thank my distinguished and able friend from Kentucky for yielding.

Mr. BARKLEY. Mr. President, there is one thing which differentiates the Joint Committee on Atomic Energy from the proposed committee. The Joint Committee on Atomic Energy deals legislatively with atomic energy. I have nothing but the greatest admiration for the manner in which that joint committee has functioned. But the Central Intelligence Agency deals with all manner of subjects, everywhere throughout the world. It is not limited to any particular form of defense or any particular form of offense. It is the duty of the CIA to encompass the entire world, and to report to the Security Council and the President. On the Security Council the chairman of the Joint Chiefs of Staff sits, just as does the chairman of the Central Intelligence Agency.

I feel very deeply and sincerely that to open the records and the personnel of the CIA, which is an intelligence agency that gathers valuable and highly confidential information from all over the world, would handicap the CIA in obtaining the information which is so essential to our defense. The activities of the CIA cover the entire world, and the CIA makes reports on the entire world situation.

Because I believe it is not now necessary to create such a joint committee, and because I believe that to do so would be fraught with great danger, I shall oppose and vote against the concurrent resolution which is now before the Senate.

There is nothing more that I can say, and nothing more that I desire to say, in regard to the matter. I hope the Senate will not agree to the concurrent resolution.

Mr. RUSSELL. Mr. President, I do not know whether any other Senator,

while I am acting temporarily for the Senator from Texas, desires to have me yield him time.

If the Senator from Montana were agreeable, I would have no objection to having the committee amendments agreed to en bloc, and then yielding to the Senator from Montana such time as he might desire as the author of the concurrent resolution.

I may say to the Senator from Montana that the Senator from Missouri [Mr. SYMINGTON] wishes to speak for a few minutes. Did the Senator from Montana wish to conclude the debate?

Mr. MANSFIELD. Not necessarily. I shall be glad to follow the Senator's suggestion.

Mr. RUSSELL. Mr. President, with the agreement of the distinguished Senator from Massachusetts [Mr. SALTONSTALL], who is the acting minority leader, I, as the acting majority leader, ask unanimous consent that the committee amendments be considered as agreed to en bloc, and that the time remaining on the amendments be yielded back.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 3, line 21, after the word "report", to strike out "public"; in line 23, after the word "Senate", to strike out "The cost of such services to report executive hearings shall be fixed at an equitable rate by the joint committee"; on page 4, line 6, after the word "Government", to insert "On a reimbursable basis with the prior consent of the heads of the departments or agencies concerned and the Committee on Rules and Administration"; in line 11, after the word "paid", to strike out "one-half"; in line 12 after the word "Senate", to strike out "and one-half from the contingent fund of the House of Representatives"; and in line 14, after the word "chairman", to strike out "Disbursements to pay such expenses shall be made by the Secretary of the Senate out of the contingent fund of the Senate, such contingent fund to be reimbursed from the contingent fund of the House of Representatives in the amount of one-half of the disbursements so made"; so as to make the concurrent resolution read:

*"Resolved by the Senate (the House of Representatives concurring), That there is hereby established a Joint Committee on Central Intelligence to be composed of 6 Members of the Senate to be appointed by the President of the Senate, and 6 Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Of the 6 members to be appointed from the Senate, 3 shall be members of the Central Intelligence Agency Subcommittee of the Committee on Appropriations of the Senate, and 3 shall be members of the Central Intelligence Agency Subcommittee of the Committee on Armed Services of the Senate. Of the 6 members to be appointed from the House of Representatives, 3 shall be members of the Central Intelligence Agency Subcommittee of the Committee on Appropriations of the House of Representatives, and 3 shall be members of the Central Intelligence Agency Subcommittee of the Committee on Armed Services of the House of Representatives. Not more than four members appointed from either the Senate or the House of Representatives shall be from the same political party.*

*"Sec. 2. (a) The joint committee shall make continuing studies of the activities of the Central Intelligence Agency and of prob-*

*lems relating to the gathering of intelligence affecting the national security and of its coordination and utilization by the various departments, agencies, and instrumentalities of the Government. The Central Intelligence Agency shall keep the joint committee fully and currently informed with respect to its activities. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Central Intelligence Agency shall be referred to the joint committee.*

*"(b) The members of the joint committee who are Members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are (1) referred to the joint committee, or (2) otherwise within the jurisdiction of the joint committee.*

*"Sec. 3. Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.*

*"Sec. 4. The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The cost of stenographic services to report hearings shall not be in excess of the amounts prescribed by law for reporting the hearings of standing committees of the Senate.*

*"Sec. 5. The joint committee is empowered to appoint such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government on a reimbursable basis with the prior consent of the heads of the departments or agencies concerned and the Committee on Rules and Administration.*

*"Sec. 6. The expenses of the joint committee, which shall not exceed \$250,000 per year, shall be paid from the contingent fund of the Senate upon vouchers signed by the chairman."*

Mr. RUSSELL. Mr. President, as I understand, the Senator from Massachusetts [Mr. SALTONSTALL] would have to yield time to the Senator from Missouri. Although I am very much opposed to the concurrent resolution, I, as the acting majority leader, am supposed to yield time only to Senators who favor the concurrent resolution.

Mr. SALTONSTALL. Mr. President, do I understand correctly that the committee amendments have been agreed to?

The PRESIDING OFFICER. The amendments have been agreed to en bloc. The question before the Senate is on agreeing to the concurrent resolution, as amended.

Mr. SALTONSTALL. I yield 10 minutes, or as much of that time as he desires, to the Senator from Missouri [Mr. SYMINGTON] who wishes to speak in opposition to the concurrent resolution.

Mr. SYMINGTON. Mr. President, I appreciate the kindness of the distinguished Senator from Massachusetts,

As a former member of the National Security Council, I have had considerable experience with the Central Intelligence Agency, which reports to the National Security Council.

In my opinion, it would be a mistake to establish the proposed joint committee. The Central Intelligence Agency Subcommittee of the Senate Committee on Armed Services is composed of the distinguished junior Senator from Georgia [Mr. RUSSELL], as chairman; the majority leader, the distinguished senior Senator from Texas [Mr. JOHNSON]; the distinguished senior Senator from Virginia [Mr. BYRD]; the present acting minority leader, the distinguished Senator from Massachusetts [Mr. SALTONSTALL]; and the distinguished senior Senator from New Hampshire [Mr. BRIDGES], who is the ranking Republican Member of the Senate.

Where could one find a better committee of the Senate?

I do not see why, under the present circumstances, there should be a special joint committee to supervise the Central Intelligence Agency.

I am sorry not to have been present for all the debate, having just returned from Omaha, Nebr., and have just now reached the floor.

This is one of the few times it has been my misfortune not to be able to vote with my able colleague, the distinguished junior Senator from Montana [Mr. MANSFIELD]. He knows of my respect and affection for him. Nevertheless, in this case I cannot agree with him.

I thank the Senator from Massachusetts for yielding to me.

Mr. RUSSELL. Mr. President, I shall be glad to yield to the junior Senator from Montana as much time as he may desire from the 2 hours on the bill.

Mr. MANSFIELD. I shall take only 15 minutes.

The PRESIDING OFFICER. The junior Senator from Montana is recognized for 15 minutes.

Mr. MANSFIELD. Mr. President, I wish my friend, the distinguished Senator from Missouri, had remained in Omaha. Unfortunately for the concurrent resolution, he has returned and is opposed to it. That means, of course, that the odds are lengthening a little more, because in addition to a former Vice President of the United States, who also was a member of the National Security Council; in addition to the distinguished junior Senator from Georgia [Mr. RUSSELL], who is a great statesman and a fine friend, and is outstanding as the chairman of the Senate Committee on Armed Services; in addition to the senior Senator from Arizona [Mr. HAYDEN], who has served his State ably and well since it achieved statehood, and who also is a very fine friend; in addition to the ranking minority member of the Senate Committee on Armed Services, the distinguished Senator from Massachusetts [Mr. SALTONSTALL]; and in addition to the minority leader of the House; we find also that the President of the United States and the Central Intelligence Agency itself are opposed to the concurrent resolution.

The Senator from Georgia [Mr. RUSSELL] suggested that the statement with

reference to the \$40 million appropriated by Congress last year for the Marine Corps which the executive branch did not use to carry out the unanimous intent and mandate of Congress, had no proper connection with this subject. Of course, it has no connection directly, but it has a connection indirectly.

What is the executive branch trying to do? It is trying to take over, lock, stock, and barrel, as many of the functions of the legislative branch as it possibly can. Let us examine the record, simply to prove that point. The criticism applies to Democratic as well as to Republican administrations.

When President Roosevelt was in office, on three separate occasions he promulgated executive agreements which were, in effect and in fact, treaties of friendship and commerce. Under the advice and consent clause of the Constitution, those treaties should have come before the Senate for consideration and approval. Mind you, Mr. President, there were three executive agreements which should have been negotiated as treaties of friendship and commerce, and which should have come before the Senate for its advice and consent. But what did the Senate do in that respect? The Senate did nothing. It willingly relinquished the authority and the responsibility which were accorded it under the Constitution.

President Truman acted in similar fashion. Again, what did Congress do? Congress appropriated funds for a 70-group Air Force. What happened? President Truman impounded the money and allowed only enough to be spent for a 48-group Air Force. That was just before the Korean war. Do Senators remember that? If that was not a flouting of congressional authority, I do not know what it was. Certainly it meant that the executive branch was not a co-equal branch of the Government, but was the predominant branch of the Government.

We find that last year Congress unanimously restored \$40 million in order to keep the Marine Corps at its then strength, to prevent its reduction by some 25,000 men in this fiscal year. That was done under the leadership of the distinguished junior Senator from Missouri [Mr. SYMINGTON], who now speaks against the concurrent resolution.

Was it only the Marine Corps which was cut down last year? Not at all. The strength of the Army was reduced by approximately 300,000 men. So on June 30 of this year there will be 1,025,000 men in the Army of the United States. Think of that, notwithstanding the worldwide commitments we have. In addition, the Navy was cut down. Those actions on the part of the administration indicate to me that there is a trend—a strong trend—and a trend to which the Senate and the Congress are acceding—on the part of the executive to take over more and more control.

I cannot understand why the constitutional lawyers in this body do not rise on their hind legs and protest against the loss of power which is being suffered by the Congress, and especially the Senate, and take some action to regain the powers which the Executive, through

the praetorian guard it has in the White House, and certain agencies, has taken unto himself. If Senators do not wake up, some day they will find that they are members of a debating society, and not Members of the Senate of the United States, as the Constitution intended them to be.

Mr. RUSSELL. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McNAMARA in the chair). Does the Senator from Montana yield to the Senator from Georgia?

Mr. MANSFIELD. I shall yield in a moment. What happened when the resolution was to be considered by the Committee on Rules and Administration? Two days before, the President of the United States announced the creation of an 8-man Civilian Board to advise him on the CIA. What kind of power does that Board have? None, really. It is to meet once every 6 months. To whom is the Board to report? To the President of the United States. Will the members of the Board be able to give out any information to anybody else? No, not at all. In this particular instance where does Congress come in? What type of men are we? Do we have responsibilities? We are elected. We have to fight for these jobs. We represent the people. We are not appointed. We have to make an accounting of the responsibilities which have been thrust upon us.

When word was received that the resolution was going to be considered, the President announced, and I believe hurriedly—and I do not blame him for that—that the Board had been created, and he said he was doing it in accord with the recommendations of the Hoover Commission. He was partly right, but only halfway right, because the Hoover Commission said that not only should a civilian board be created, but that a joint congressional committee should be created as well. And that was the second time the Hoover Commission had recommended the creation of a joint congressional committee.

What do we have now? We have the CIA doing everything it possibly can to defeat this resolution—a resolution which is intended to safeguard them and give them some security and an outlet which they do not have now, because the contracts they have with the Congress are very thin, indeed.

What did the distinguished Senator from Massachusetts say on Monday last? Twice a year the CIA appears before the appropriate subcommittee of the Committee on Armed Services. Once a year it appears before the Appropriations Subcommittee, and at that time the officials of the CIA ask for money. Ask for how much? What do we know about the funds appropriated to them? What do we know about the agency's personnel? We do not know anything. Perhaps we should not, but we ought to have a standing joint committee which can take care of it.

I think it is well to refer to another point, since the distinguished Senator from Georgia has brought it out. The Senator referred to my remarks about a small staff. Of course that staff would



April 11

have to have the highest possible clearance. I should like to ask the Senator from Georgia if in the meetings, having to do with the CIA, which Mr. Allen Dulles and his assistants have with the members of the Armed Services Subcommittee and with members of the Appropriations Subcommittee, staff members are absent and only Members of the Senate are in attendance.

Mr. RUSSELL. I shall answer the question of the Senator from Montana with a "no," even though he would not permit me to ask a question a moment ago. I have had one staff member present during the course of the hearings. I have had one staff member present, and only one, who has been with the committee since I have been a member of the committee. I have not brought in other staff members of the committee, even though I have full confidence in them, because I see no necessity for it, just as I see no necessity for an appropriation of \$150,000 for a new staff which it is proposed to create.

The Senator from Montana has said the Armed Services Committee knows nothing about the agency, and that the Appropriations Committee knows nothing about it. Before the debate is concluded, the Senator from Arizona [Mr. HAYDEN] will state that officials of the agency come before the Appropriations Committee, and the committee members know as much about how the agency spends its money as they know in the case of many other agencies.

Mr. MANSFIELD. I thank the Senator, and apologize to him for not having yielded when he asked me to.

Mr. RUSSELL. I certainly intended no criticism of the Senator for not yielding to me. I know how it is when the Senator is in the course of making his remarks, which he has outlined in his mind. I would not have interrupted the Senator, who was making a very eloquent speech, if I had not wanted to call something to his attention, which I have forgotten now. I hope my interruption did not have the effect of annoying the Senator.

Mr. MANSFIELD. No, indeed.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. I agree with much of the remarks of the distinguished Senator regarding the encroachment of the executive on the legislative branch of Government. I am sure the Senator knows, in illustrations he gave with respect to the Military Establishment, what my feelings are in those matters. But we have a fine subcommittee of the Armed Services Committee handling the CIA from the standpoint of Senate legislative analysis and determination. I think that committee as capable a committee—and I believe the distinguished Senator from Montana would agree—as could be obtained in the Senate.

Mr. MANSFIELD. I certainly would agree with the Senator. It is a good committee.

Mr. SYMINGTON. If he believes the committee has been remiss in its handling of the CIA, which is a function of the Senate Armed Services Committee, I

shall be very glad to cooperate with my distinguished friend from Montana in any suggestions he may care to make.

Mr. MANSFIELD. I may say to my good friend, the Senator from Missouri, that the one thing he could do to put into effect his offer is to vote for the resolution, because what the resolution proposes to do is to bring the subcommittees together. It would not break the continuity they now have with the CIA. The same persons would be involved, but there would be a standing joint committee, with a small staff, with the highest possible clearance. This committee could furnish an outlet for both the Congress and the CIA. I think this is the best way to handle the matter.

Certainly, I have never advocated that we should exercise undue oversight over the CIA, because I recognize the need for a certain amount of secrecy. I have not even advocated open sessions of the joint committee, if it should be created, because the occasions would be rare when such an instance would arise. Had there been a joint committee at the time the CIA headquarters fight was on, perhaps something could have been done; but otherwise there is no reason I can see why any of the meetings should be open.

There is no reason for anyone to suspect or be suspicious that the sponsors of the resolution want to pry into the secrets of the CIA; but I say to my colleagues that the Senate and the House—the Congress of the United States—have the right, under our system of checks and balances, to exercise some degree of control, not through subcommittees which meet occasionally, but through a regular standing joint committee. I, for one, feel that Members of Congress can be trusted as well as can a group of private citizens who may occasionally be given such information as the Agency wants to put before them. I think Members of the Congress can be trusted just as much as can the members of the National Security Council. Certainly I have every faith in the men and women with whom I am associated in the Congress; and I would say that insofar as the Joint Committee on Atomic Energy is concerned, it has exercised a high degree of discretion during the many years it has been in operation.

The distinguished junior Senator from Kentucky [Mr. BARKLEY], formerly Vice President of the United States, told the Senate about his contacts with the National Security Council while he was Vice President, and he referred to Gen. Walter Bedell Smith. I should like to inform the Members of the Senate that, so far as I know, Walter Bedell Smith is in favor of a measure of this kind, and I believe he has so stated on a number of occasions. I believe that any right-thinking Director of the CIA would welcome such a group, if for no other reason than the agency's security and its protection from unjustified attacks by individuals or groups.

Mr. President, there are other things I should like to discuss.

The PRESIDING OFFICER. The time of the Senator from Montana has expired.

Mr. RUSSELL. Mr. President, I am glad to yield to the Senator from Montana as much further time as he may desire to have.

Mr. MANSFIELD. I should like to have 10 more minutes.

Mr. RUSSELL. Mr. President, I yield an additional 10 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 10 minutes more.

Mr. MANSFIELD. Mr. President, today our attention has been called to the Joint Committee on Atomic Energy and its application to the pending proposal. Let me point out that at the bottom of page 12 of the report of the Committee on Rules and Administration in regard to Senate Concurrent Resolution 2, we find the following recommendation—one of the recommendations of the Hoover Commission:

#### RECOMMENDATION

(a) That the President appoint a committee of experienced private citizens, who shall have the responsibility to examine and report to him periodically on the work of Government foreign intelligence activities. This committee should also give such information to the public as the President may direct. The Commission should function on a part-time and per diem basis.

The second part of the recommendation of the Hoover Commission is the important one:

(b) That the Congress consider creating a joint congressional committee on foreign intelligence, similar to the Joint Committee on Atomic Energy. In such case, the two committees, one Presidential and the other congressional, should collaborate on matters of special importance to the national security.

What did the President do? He appointed a group of private citizens, but he took a stand against the creation of a joint committee; and, according to the newspapers, he said that the CIA was too sensitive for Congress to take up.

Mr. President, who does the President of the United States think the Members of Congress are? In our own way, we have just as much responsibility as he does; and I, for one, intend to do everything I possibly can to see to it that the powers given to Congress by the Constitution are retained by the Congress, and are not whittled down or taken away, and are not willingly given up. I think the Congress is in danger, and we should recognize that fact.

I should also like to bring to the attention of the Senate the fact that I hold in my hand a letter from Mr. Clarence Francis, chairman of the Committee for the Hoover Report. He was a member of the Hoover Commission when it was in operation. In speaking for the Committee for the Hoover Report, he comes out in wholehearted support of Senate Concurrent Resolution 2.

Let me point out that two Members of the Senate were members of the Hoover Commission—the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Arkansas [Mr. McCLELLAN]. According to information given to me by the Senator from New Hampshire, they went on record, during the

1956

time when the Commission was in existence, as being opposed to the creation of a civilian commission, and as being in favor of the establishment of a joint congressional committee. Those two Senators were our representatives on the Hoover Commission, and that was their recommendation, as I understand.

Instead of having this matter handled by the two subcommittees to which reference has been made—which meet occasionally, but are not vitally and solely interested in the CIA, for they have many other duties—I certainly believe that a regular, standing joint committee of the Senate and the House of Representatives should be established to look after the interests of the Congress and also to look after the interests of the people of the United States in this field. I trust those with whom I am associated in the House and the Senate; I trust them, regardless of whether they be Republicans or Democrats.

Certainly we as a body are entitled to as much consideration as are members of the National Security Council or members of a private commission or members of any other group. After all, the Congress has the ultimate responsibility. Congress has the obligation of appropriating the money used in the Government service. Congress creates the various agencies, but then sits back and lets the Executive take over as much control as it desires to have. Mr. President, I think it is about time for the Senate to wake up.

Mr. RUSSELL. Mr. President, will the Senator from Montana yield to me?

Mr. MANSFIELD. I yield.

Mr. RUSSELL. I do not wish to prolong the debate, but certainly I do not like to have the Senator from Montana leave me in the position of seemingly wishing to surrender any of the powers of the Congress.

What I am trying to have the Congress do is keep where they are now, in the Armed Services Committee and the Appropriations Committee, the powers which the Senator from Montana proposes to take from those committees and lodge in the proposed joint committee. I know of nothing such a joint committee could do that the Armed Services Committee and the Appropriations Committee cannot do.

The Senator from Montana referred to the Marine Corps fiasco in the executive branch of the government. To the very best of my ability, I have fought to obtain the appropriations for the Marine Corps. I have expressed my grievous and distinct disapproval of the action of the executive branch in not expending those appropriations for the purpose for which they were made by Congress. I have undertaken to—well, Mr. President, I do not like to use a strong word, but I have made it perfectly clear to the Secretary of Defense and to the Joint Chiefs of Staff that I think they have gone directly counter to the clear intent of the Congress. Of course, they added insult to injury by submitting budget estimates by means of which they undertook to have the money we appropriated for the Marine Corps used by the Office of the Secretary of Defense and by other

civilian agencies. On yesterday afternoon I had the privilege, in the Appropriations Committee, of making a motion to strike out that language, so as at least to show that we do not propose to stand by and have insult added to injury.

But I must confess that I do not exactly see the relationship between the Marine Corps incident—much as I deplore it and much as I condemn it—and the efforts which are being made to remove these powers of supervision from the committees which now have them.

Mr. MANSFIELD. Mr. President, I wish to say again—I have already said it many times—that the Marines have never had a better friend than the distinguished Senator from Georgia [Mr. RUSSELL], the chairman of the Armed Services Committee. That is a well known and an established fact; and I know he was the one who was primarily responsible, behind the actions of the distinguished Senator from Missouri [Mr. SYMINGTON], last year, in bringing about a restoration of the \$40 million which Mr. Wilson, the Secretary of Defense, acting for the President, impounded, and later used in part for other purposes in the office of the Secretary of Defense, the Secretary of the Navy, and a few other of the agencies under his jurisdiction. So I am delighted that the distinguished Senator from Georgia did what he did on yesterday. I only hope that he will see to it that if these moneys are not used for the Marine Corps, as they should be, they will be returned to the general Treasury and will not be used for other purposes.

Mr. RUSSELL. Mr. President, if the Senator from Montana will indulge me, let me say that I think the funds should be reappropriated, so as again to have the Congress go on record regarding its desire to have the money used for the Marine Corps, and so as again to show that the present Department of Defense, acting under the Chief Executive, has been clearly flouting its responsibility to act in accordance with the directives of the Congress, which has the responsibility of raising and maintaining armies for the defense of the United States.

Mr. MANSFIELD. Am I to understand from what the distinguished Senator says that if he has his way this money is to be used by the Marine Corps for the purposes intended?

Mr. RUSSELL. We shall have to reappropriate it, but I shall certainly make every effort, when the defense bill comes before the Senate, to see that it is reappropriated for the Marine Corps.

Mr. MANSFIELD. I thank the Senator.

Referring to the second part of the Senator's question, I did not say that the Marine Corps matter, the 70-group Air Force matter, or the matter of executive agreements was directly connected with the CIA. However, I tried to indicate that indirectly, through the years, both during Democratic and Republican administrations, there has been a tendency on the part of the Executive to assume our responsibility, and to get away from the idea of coequality, as provided by the Constitution. I certainly did not mean to imply any per-

sonal responsibility on the part of the distinguished Senator from Georgia, whom I recognize as one of the great constitutional lawyers of this body. I tried to indicate that that was being done willingly, so far as the Congress as a whole was concerned, because we are not fighting the tendency to shift power away from us.

Mr. RUSSELL. So far as the Senator from Georgia is concerned, he will condemn such a trend at every opportunity. I know of no other way to fight it. I regret that there are not more Members of Congress who feel as does the Senator from Montana, who has expressed himself so forcefully.

Mr. MANSFIELD. I thank the Senator from Georgia.

Mr. SALTONSTALL. Mr. President, I yield 10 minutes in opposition to the distinguished Senator from Idaho [Mr. DWORSHAK].

Mr. DWORSHAK. Mr. President, I have listened to the debate this afternoon with a great deal of interest. I have been undecided as to whether I would vote for or against the concurrent resolution.

I have profound respect for my colleague, the junior Senator from Georgia [Mr. RUSSELL], with whom I serve as a member of the Appropriations Committee; and likewise for the distinguished chairman of the Appropriations Committee, the senior Senator from Arizona [Mr. HAYDEN].

Logically there is much truth in what has been said, to the effect that there is little justification for the creation of another joint committee. We have an adequate number of standing committees now, if they function effectively and discharge their duties as they should. It is true, as the Senator from Georgia pointed out, that probably we now have access to information, data, and records of the Central Intelligence Agency through the Armed Services Committee, of which he is the chairman, and likewise through the Appropriations Committee.

I have had some experience in this connection during the past year. A year ago I was assigned to membership on the subcommittee on Defense Appropriations. For a long time I had had certain misgivings and uncertainty with respect to the operations of the CIA. I was very eager to find out something about the CIA, because it is a very vital and important agency in the executive department of the Government.

When the director of the CIA appeared before the Senate appropriations subcommittee, I was so naive as to think that, as a member of the committee, and a Member of the Senate, I might be entitled to some information.

I ventured to ask certain questions of the director. I was told very emphatically "This information is classified." Information as to the number of personnel is classified, whether there are 1,000, 10,000, or 20,000 employees and officials working for CIA. Oh, Mr. President, that is highly classified information!

Then when I directed questions to the director about the amount of money required to operate the CIA, I was again told, quite forthrightly, "This is classified

information." Hush, hush! Members of the Appropriations Committee must be willing to assume that the CIA, as a part of our Defense Establishment, is operating efficiently. We are told that it should not be our concern to inquire whether we are obtaining full value for the several millions of dollars which are appropriated annually for the CIA.

At this point I should like to have the Record show that while I do not think it is necessary to establish another committee to ride herd on the CIA, I am wondering whether members of the Appropriations Committee and the Armed Services Committee are fully informed as to the far-flung operations of the CIA. I wonder whether the former Vice President, the junior Senator from Kentucky [Mr. BARKLEY], and the junior Senator from Missouri [Mr. SYMINGTON], who was formerly the head of the Air Force of our country, are fully informed.

The CIA must operate in a manner which provides the maximum safeguards for the safety of those who place their own lives in jeopardy when they go abroad to work in countries behind the Iron Curtain and obtain information essential to our national defense. But, Mr. President, I think it is the direct responsibility of the Congress and its duly constituted committees to take a profound interest in the operations of the CIA, and to determine whether or not an efficient job is being done. It is not enough to receive assurances from the Director that his agency is doing outstanding work and to say at that point that the Congress of the United States has no further responsibility with respect to the operations of the CIA.

During the past year the CIA personnel near the top level probably have been concerned with many vital questions of intelligence. However, they have not been too busily engaged to avert a controversy concerning the proposed construction of a \$50 million showplace across the Potomac in Virginia.

I wonder, if the CIA spreads out its personnel throughout the entire world to gather this vital information, why it is necessary to build a grand showplace on the Potomac costing \$50 million. I do not know how many employees would be housed there, but I leave it to the good judgment of my colleagues to say whether it is necessary to have a \$50 million administration building for the CIA. If it is, then obviously it is proposed to house probably several thousand employees. I think the newspapers have indicated that 6,000 or 7,000 employees would be located in this magnificent palace on the banks of the Potomac.

I ask Members of the Senate whether the CIA operatives and officials propose to obtain this vital secret information right here in the National Capital. Why should it be necessary to house 6,000 or 7,000 employees in the National Capital? I had assumed that the primary function of the CIA was to visit the far-flung areas of the world to gather this vital information. I certainly hope the distinguished chairman of the Committee on Armed Services will make it his responsibility to find out why it is necessary to have that grand showplace on

the Potomac. It is already being called the Little Pentagon.

I remember when some Members of the Senate, especially of my own party, were critical of a Democratic President who had the Pentagon constructed at a cost of about three times the funds that had been originally requested of Congress. We were quite critical, because we thought it was too lavish a building for the military.

Now we are to have a Little Pentagon. It may be very difficult to get CIA operating personnel to leave the lush showplace on the banks of the Potomac and undertake dangerous and hazardous missions in countries throughout the world.

Mr. President, last summer, I like many other Americans, read articles in the press and listened to reports over the radio which indicated that possibly in the Soviet Union an economic upheaval of some kind was imminent.

There was confusing information available upon which to base any definite conclusions. Therefore, with the Senator from North Dakota [Mr. Young] and other Members of the Senate, I made a brief visit behind the Iron Curtain last September. We visited Moscow for 6 days, including 2 hours conferring with Khrushchev and Bulganin, as well as with Ambassador Bohlen and members of his staff.

The most amazing and astounding thing we learned on our visit behind the Iron Curtain was that there was little evidence of an impending economic upheaval or crash of any kind. I was somewhat dumfounded as I viewed the situation there. I am sure the distinguished chairman of the Armed Services Committee will agree with me—

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

Mr. SALTONSTALL. Mr. President, I yield five additional minutes to the Senator from Idaho.

Mr. DWORSHAK. I am sure the distinguished chairman of the Committee on Armed Services, who likewise traveled behind the Iron Curtain, made similar observations. Is that not true?

Mr. RUSSELL. I will say to the distinguished Senator from Idaho that I spent 17 days in Russia. I went from the Baltic to the Caspian over to the Black Sea, and up to Kiev, through the center of Russia, and I found that there was no impending revolution. If there was, it was certainly well disguised from the eyes of tourists.

Mr. DWORSHAK. Did the Senator from Georgia see any apparent evidence of the oncoming crash of any kind?

Mr. RUSSELL. No; I did not. Of course, under the Soviet system, no one has very much to have a crash with, unless it be a failure of crops. From what I saw, they had fairly good crops when I visited the farms.

Mr. DWORSHAK. In the city of Moscow it was apparent that seven or eight million people were enjoying economic security to a large extent. Is that correct?

Mr. RUSSELL. They were not enjoying the kind of standard living that

Americans have. However, according to their standards, I suppose that is so. They had plenty of bread and enough clothing, so far as I could see.

Mr. DWORSHAK. I thank the Senator for his observation. The only reason I am referring to my experience behind the Iron Curtain is that I was convinced the highly rated CIA, charged with the responsibility of getting information in farflung places, did not have any information, or very little reliable information, concerning the economic status of people behind the Iron Curtain.

Again I ask Members of Congress whether it is not our responsibility to learn whether the millions of dollars which we annually appropriate for CIA are used properly and effectively. If Members of Congress, after spending a few weeks behind the Iron Curtain can come home with definite ideas about the economic conditions in Russia, then certainly it is not expected too much of CIA to be able to gather the information for the people of this country. Congress, the armed services, and the National Security Council should be properly informed about the very vital conditions that exist in the countries which are opposed to our way of life.

I shall not belabor the point, Mr. President, because I feel sure that the concurrent resolution will not be adopted. However, I hope that those who are responsible for the operations of the CIA will not assume that such action is evidence that Congress is not interested in what is done by that agency. Certainly CIA has features which require its operation without complete disclosure of what is being done, but the agency should make reports to standing committees, like the Committee on Appropriations and the Armed Services Committee. However, I think it is our responsibility, and I charge the two committees and the chairmen of those two committees to see to it that we do not permit the CIA to operate in any but in the most efficient manner, which will justify the appropriations which are being made for its operations. Because the funds for the agency are integrated with the funds appropriated for the armed services, it should not be assumed that Congress is not interested in—or that the American people are not demanding—a full report to the responsible committees of the Congress.

In closing, Mr. President, I should like to say that, whether we have a special committee appointed or have standing committees deal with this vital question, I take the position that Members of Congress can be trusted to consider any vital classified information to the same extent that the civilian employees of CIA can be trusted.

Likewise, I hope when the great showplace on the Potomac is completed—its construction has already been authorized—that CIA will not make the tragic blunder of housing surplus employees there and giving them soft berths when they should be operating in the field. It is the responsibility of Congress to make certain that CIA knows what is going on behind the Iron Curtain and that it is

1956

aware of conditions that exist everywhere in the world, if it is to function in accordance with its obligations and responsibilities as a vital arm of our defense.

Mr. SALTONSTALL. Mr. President, I yield myself 2 minutes in opposition. I wish the Record to show in this debate that I am very much opposed to the concurrent resolution. I gave my reasons at length on Monday when I debated the matter with the Senator from Montana [Mr. MANSFIELD].

I merely wish to add at this time that I am opposed to the resolution because it is impractical and because I believe it is unnecessary. It is impractical because it will be a step toward drying up the sources of our information which it is necessary for our intelligence agency to have, and will make it very dangerous for the grave men who are conducting our intelligence activities.

I believe it is unnecessary because two subcommittees of committees of the House and of the Senate now have the responsibility of looking into CIA and its duties and into the way it is carrying out its duties. If Congress is not given sufficient attention, it is the fault of Congress, not the fault of methods of organization. For these reasons and for the reasons I gave last Monday, I am opposed to the concurrent resolution.

Mr. President, I yield 5 minutes, or as much time as he may need in opposition, to the Senator from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. President, as a member of the Committee on Rules and Administration I filed my individual views in opposition to the pending concurrent resolution, and I ask that they be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. LAIRD in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HAYDEN. Mr. President, I have listened with great interest to the debate, and, like the Senator from Georgia [Mr. RUSSELL], I have very carefully read the proceedings of last Monday, not being privileged, as he was not, to be present at that time. I was interested in noting that there was a repetition of the idea expressed by the provision in section 2 of the concurrent resolution that "the Central Intelligence Agency shall keep the joint committee fully and currently informed with respect to its activities." I was urged that the information thus disclosed should be made available not only to members of the joint committee, but, it was further stated, to all Members of the Congress and even generally to the American people. How it would be possible to keep the American people fully informed and at the same time keep our Communist enemies in Moscow in the dark, it is difficult to imagine.

There must be secrets. There are men all over the world who are engaged in the service of the CIA. Are we to tell the dictators in Moscow how much money we are spending in employing these men, and where they are employed? If a representative of the Central Intelligence

Agency should penetrate into China and obtain information from a Chinese, if he obtained any information for which he had to pay, would it be thought that he should furnish a voucher for it? The CIA cannot do business that way. If it became known that a resident of China gave any information about the widespread human slavery which communism has imposed upon the people there to one of our Central Intelligence agents, he would not live very long.

I was interested in the assertion that we must maintain some kind of supervision and control of congressional prerogatives. A Marine Corps appropriation was used as an illustration. The facts in the Marine Corps case were that Congress appropriated money to maintain the Marine Corps at 215,000 men, and the administration allowed the corps to drop down to less than 200,000 men, and consequently did not spend the money which Congress had appropriated. There is absolutely no way to compel the executive branch to spend money which Congress has appropriated. I found that out when I first became a Member of the House of Representatives. I made my first political campaign in Arizona in an Apperson Jackrabbit automobile, which became stuck in the quicksands of the Gila River and we had to have the help of Apache horsemen who used their ropes and saddle horns to pull us out. At that time I made a vow that if I should be elected to Congress I would try to have a bridge built across the Gila River. When I was elected I proceeded to try to carry out my vow. I introduced a bill, which provided money to build a bridge across the Gila River on the San Carlos Reservation. When the bill was under discussion, Mr. James R. Mann, the Republican minority leader of the House at that time, insisted that since the Osage Indians who were once very poor but who had become rich through oil discoveries, the San Carlos Apaches might some day become wealthy and in that event should reimburse the Government for the cost of the bridge and his amendment was adopted. The Bureau of Indian Affairs refused to build the bridge so long as that condition was attached; Congress had appropriated the money for it but the bridge was never built.

The Constitution provides that the President "shall take care that the laws are faithfully executed" but does not fix the time when he shall do so. Congress can appropriate money for maintaining the Marine Corps at full strength but the President does not care to spend it, there is nothing we can do about it. There is no way of compelling any executive department to spend money if it does not wish to do so. Consequently there is no connection between the failure of the administration to spend money appropriated for the Marine Corps and the need for the pending resolution.

Mr. MANSFIELD. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. MANSFIELD. There is no direct connection, but there is a pattern. I tried to point out earlier in the debate that 2 days before we had a hearing the

President hurried up his appointment of the private commission recommended by the Hoover Commission. I think he did it to forestall action by the Senate committee and to make certain that he could say, "I followed the Hoover Commission's recommendations," which he did in part, but he did not follow the main part, which was the creation of a joint committee on the CIA, a proposal which had been advocated by both this and the previous Hoover Commission some 5 years before.

The executive department, I submit, is arrogating unto itself more and more power all the time. I stated that under Roosevelt there were executive agreements which were in reality treaties of friendship and commerce and which should have been brought before the Senate. Under Truman, Congress appropriated funds for a 70-group Air Force, but these funds were impounded by the President and enough allowed for only a 48-group Air Force. Under Eisenhower, Congress appropriated \$40 million, which Congress said should be used to maintain the Marine Corps at its then present level. So they lie in.

Mr. HAYDEN. In my opinion, there is no tie-in. The Central Intelligence Agency is an arm of the President. Under the Constitution, I feel we have no right to attempt to regulate an agency which is designed solely to provide the President, who, under the Constitution, is responsible for our foreign relations, with information to enable him to make decisions.

There is complaint that the various departments do not tell us all we should know. If that be the case, and they do not give Congress all the information it should receive, why not appoint a watchdog committee to supervise the President's Cabinet? Cabinet members can perform their duties out loud or be quiet about it, but their official actions are included in the responsibility placed upon the executive department. There are three distinct branches of government. I am just as much opposed to congressional invasion of the executive branch as I am to an invasion by the executive of the congressional branch. Each has its place. If we are to place watchdogs elsewhere, why not insist that Congress have a watchdog in attendance at every meeting of the President's Cabinet?

Mr. MANSFIELD. Mr. President, will the Senator from Arizona yield further?

Mr. HAYDEN. I yield.

Mr. MANSFIELD. (I think) the Senator is taking an extreme view of the resolution. The purpose is not to pry into the secrets of the CIA. The idea, in reality, is to safeguard and secure the CIA in furnishing out its both ways. I do not see how the Senator can disagree with reference to treaties of friendship and commerce—

Mr. HAYDEN. I do not wish to enter into an argument with my good friend. I know there have been at times efforts on the part of the legislative branch to exercise dominating power. The Senator will remember the attempted impeachment of President Andrew Johnson. The legislative branch can go to



April 11

extremes and the executive branch can go to extremes. Some complaints have recently been made that the judicial branch has gone to extremes. But there are certain constitutional limitations on all three branches of the Government and, because of those limitations, our Government is today the oldest continuous government in the world. We should keep our Government of divided responsibility the way it is. Nothing of value would be gained by agreeing to the concurrent resolution.

Mr. MANSFIELD. Mr. President, will the Senator yield for a question?

Mr. HAYDEN. I yield.

Mr. MANSFIELD. I agree with the Senator from Arizona that our Government should be conducted as it was intended to be conducted under the Constitution. But am I not correct in assuming that differences relative to the equal division of powers, so-called, and supposedly, between the executive branch and the legislative branch can be settled in the judicial branch by the Supreme Court?

Mr. HAYDEN. Sometimes.

Mr. MANSFIELD. If that is the case, why not agree to a concurrent resolution, which will be purely congressional action, which does not call for approval by the President of the United States, but which requires only a majority vote of both Houses? Then, if the executive branch thinks that the legislative branch is infringing upon the powers of the Executive under the Constitution, let the matter be taken to the Supreme Court, so that the executive and the legislative branches can ascertain where they both stand.

Mr. HAYDEN. There would be no necessity for the executive branch to take such a matter to the Supreme Court. The Executive could simply refuse to cooperate and Congress could not do anything about it. As I have said when the executive branch does not want to spend appropriated money, it does not have to do so. When the executive branch wants to hold a closed-door meeting of the Cabinet, it can do so, and Congress can do nothing about it.

#### EXHIBIT 1

#### INDIVIDUAL VIEWS OF MR. HAYDEN STATEMENT

Senate Concurrent Resolution 2 is based upon the mistaken and erroneous assumption that the Congress has maintained little or no control over the expenditures of the Central Intelligence Agency (CIA) and that Senators and Members of Congress who should be informed have been kept in the dark as to its activities because of a veil of secrecy imposed by the executive branch. The truth is that the Armed Services Committees of the Senate and the House of Representatives have continuously and do now maintain supervision over the operations of that Agency to an entirely adequate degree. This is made clear by quoting a paragraph from a letter addressed on January 26, 1956, to the chairman of the Senate Committee on Rules and Administration by the Senator from Georgia, Mr. Russell, who is the chairman of the Senate Committee on Armed Services:

"The responsible officials in the Central Intelligence Agency have demonstrated their willingness to keep the Armed Services and Appropriations Subcommittees fully informed on the subject of the Agency's ac-

tivities and operations. Although I cannot speak with authority on the extent to which all the existing subcommittees on Central Intelligence Agency carry out their functions, I do know that the subcommittee of the Senate Armed Services Committee has had periodic contact with the appropriate Central Intelligence Agency officials. At these meetings the Central Intelligence Agency representatives have candidly furnished the desired information and have responded to the specific complaints and criticisms that have been voiced in Congress and in the press. It is entirely coincidental but it happens that the Senate Armed Services Subcommittee is holding its first meeting of 1956 with Central Intelligence Agency officials on the same date that your committee has scheduled for the consideration of Senate Concurrent Resolution 2."

#### ARMED SERVICES COMMITTEE JURISDICTION

While no definite rule has been adopted by either body conferring jurisdiction over legislation relating to the Central Intelligence Agency upon the Armed Services Committees of the Senate and the House of Representatives there is a clear precedent which establishes that jurisdiction. The National Security Act of 1947 created the Central Intelligence Agency and since then the 3 subsequent amendments to that act affecting the Agency have all been considered by and reported from those 2 committees.

The functions of the Central Intelligence Agency are essentially functions of an executive character in assisting the President of the United States, the National Security Council, the State Department, and the Department of Defense to carry out their responsibilities. If a joint committee of the Congress is established to supervise the work of this executive Agency, it might very well be argued that due to some failure of the standing committees of both branches of Congress properly to perform their duties, a joint committee should be set up for each of the Departments of Interior, Agriculture, Commerce, and other executive agencies. If the CIA must have a "watchdog" joint committee, why not have one for the FBI?

#### THE APPROPRIATIONS COMMITTEES

Owing to the active interest taken by the ranking members of the Senate and House Armed Services Committees in the operations of the Central Intelligence Agency, it has not been necessary for like members of the Senate and House Appropriations Committees to devote as much attention to what the Agency is doing as would otherwise be required. When submitting requests for funds to carry on its activities, responsible officials of the Agency have demonstrated each year their willingness to keep the designated members of the Appropriations Committees fully informed as to its operations.

There has been open and free exchange of all necessary information required for an adequate liaison between the Congress and the Central Intelligence Agency. No information has been denied and all desired information has been candidly supplied.

I can also personally certify that committee members have, from time to time, refused proffered information because such information has no relation to the normal legislative procedures of Congress. How far to go in seeking detailed information is well stated in this further quotation from Senator Russell's letter:

"Throughout my tenure in the Senate I have consistently advocated the right of Members of Congress to information that was required for the formulation of legislation. In this instance, the legislation affecting the Central Intelligence Agency is not of sufficient magnitude to be burdensome. On the other hand, the importance of the results of Central Intelligence Agency activities to our national safety can hardly be exaggerated. If there is one agency of

the Government in which we must take some matters on faith without a constant examination of its methods and sources, I believe this Agency is the Central Intelligence Agency."

The concurrent resolution leaves little or no room to "take some matters in faith" by specifically directing that—

The Central Intelligence Agency shall keep the joint committee fully and currently informed with respect to all of its activities.

#### INVESTIGATIONS OF THE CENTRAL INTELLIGENCE AGENCY

As the history in the majority report indicates the Central Intelligence Agency has been intensely and repeatedly investigated by various special commissions during the past 5 years. Reference is made to a number of recommendations by these commissions and the report implies that there is little or no evidence of any action by the Central Intelligence Agency as a result of these recommendations. It is not alleged that the Central Intelligence Agency has failed to cooperate fully with commissions, sponsored both by the Congress and by the Executive, which have investigated its activities, or that it has failed to take positive action on their recommendations and to report such action to the appropriate congressional committees.

For example, the majority report refers to recommendations in the 1949 Hoover Commission report that a top-level evaluation board be set up within the Agency and that the internal structure of the Agency be reorganized and improved. In 1950, such an evaluation board was set up, and the internal structure of the Agency has been reorganized so as to improve its effectiveness. It is a fact that successive commissions which have investigated the Central Intelligence Agency have disagreed with the recommendations of their predecessors. It is also a fact that the Agency has adopted legitimate recommendations made in such reports without disrupting the continuity of its organization and activities.

The majority report also shows that, as recommended in the 1955 Hoover Commission report, the President by an Executive order issued on February 6, 1956, has established a board of consultants consisting of eight distinguished citizens, outside of the Government, to keep him regularly advised on the conduct of activities in the foreign intelligence field and to report its findings at least twice a year. The imposition of another supervisory committee with jurisdiction over the Agency would only serve to complicate matters.

The Congress and the President have given the Central Intelligence Agency a most important job to do. Subcommittees of standing committees of Congress have been created to provide for the appropriate jurisdiction of the Congress over this activity. The greatest service we can do now is to facilitate the important work of the Agency and to let it get its job done without being watchdogged to death.

#### THERE IS NO SECRECY FOR THE SAKE OF SECRECY

It should be emphasized, most strongly, that secrecy for secrecy's sake does not exist in, nor is it an objective of, the Central Intelligence Agency.

Such confidential and secret procedures and operations necessarily characterize its activities are designed wholly for the security of this Nation, the saving of men's lives and the obtaining of essential information which will achieve these vital ends. There is no present evidence of any policy of secrecy having become sacrosanct. Upon the contrary, such secrecy as is being observed is appropriate and necessary.

Furthermore, I repeat that the Central Intelligence Agency is subject to congressional review by four established and fully authorized subcommittees. The first 2 of

1956

these are the subcommittees on the Central Intelligence Agency of the Senate and House Armed Services Committees; the second 2 of these are subcommittees of the Senate and House Appropriations Committees. These subcommittees seem clearly to be adequate for such a supervisory purpose and function. If they are not doing their job fully and properly, it should be brought promptly and emphatically to their attention as a more appropriate and effective means of achieving the end desired than the creation of a new joint congressional committee for such a purpose.

#### THE JOINT COMMITTEE STAFF

It would be almost impossible for the staff of such a joint legislative committee to function helpfully because of the high security demanded in the work of the Central Intelligence Agency. The information given to Members of Congress by officials of the Central Intelligence Agency is given to them personally and their judgment as to what may be properly reported is final.

Senate Concurrent Resolution 2 empowers the joint committee "to appoint such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary" and the majority report states that—

"The establishment of a Joint Committee on Central Intelligence will insure the existence of a trained, specialized, and dedicated staff to gather information and make independent checks and appraisals of CIA activities pursuant to the committee's directives and supervision."

This statement appears to contemplate that the staff will do the work and reach conclusions as to how effectively the Central Intelligence Agency is operating.

A new and separate staff of some magnitude must be contemplated since an annual expenditure of \$250,000 is authorized. This is almost as much as the \$258,000 now available to the Joint Committee on Atomic Energy, which at present maintains a professional and clerical staff of 21 individuals.

There is actually no real need for such a staff either large or small. Despite the flexibility which the Congress has granted to the Central Intelligence Agency in carrying out its unique functions, the Agency has administratively taken measures to control its expenditures in at least as strict a manner as other Government agencies and to require a complete accounting for the use of all of its funds, vouchered or unvouchered. This system, and the actual use of the funds are described each year to the appropriations subcommittees.

The Central Intelligence Agency is essentially any executive Agency. It is not an arm of the Congress to carry into effect legislative policies as are the Interstate Commerce, the Federal Trade or other like Commissions. The act of July 26, 1947, after first creating a National Security Council to advise the President on national security matters then established the Central Intelligence Agency under the National Security Council. The principal functions of the Agency were to correlate and evaluate for the Council information obtained from other departments and agencies of the Government and to keep the Chief Executive informed from day to day as to the activities of foreign governments with whom the Constitution gives the President the sole right to conduct foreign relations and to negotiate treaties.

It is obvious that there is no possible way for the joint committee to keep "fully and currently informed" with respect to all of the activities of the Central Intelligence Agency except to have a member of its staff sit in as a "watchdog" at all meetings of the National Security Council, and after each meeting make a report to the joint committee of what he has learned.

#### THE LEGISLATIVE BRANCH CANNOT TAKE OVER AN EXECUTIVE FUNCTION

The creation of a Joint Committee on Central Intelligence, with the functions and powers provided for in Senate Concurrent Resolution 2 would be certain to raise a constitutional issue on the separation of powers between the executive and legislative branches of the Government. Activities are undertaken by the Central Intelligence Agency only in accordance with directives of the National Security Council. The availability of intelligence of the highest order to the President and to the National Security Council is an essential element in the formulation of the foreign policy of the United States, and in the conduct of foreign relations by the President in carrying out that policy. Any congressional action which seeks to alter the legally established relationship between the Central Intelligence Agency and the National Security Council would tend to impinge upon the constitutional authority and responsibility of the President in the conduct of foreign affairs.

The provisions of the National Security Act are a recognition by the Congress of the highly sensitive nature of Government intelligence activities. Senate Concurrent Resolution 2, if adopted, will not be submitted to the President for approval or disapproval. Consequently, any of its provisions which contravene existing law will have no mandatory effect. The existence of such provisions in a resolution agreed to by both Houses, however, would lead inevitably to continuing difficulties of construction and interpretation which would impair the continuity of sound and proper relationships between the executive and legislative branches in intelligence matters.

#### THE CENTRAL INTELLIGENCE AGENCY AND THE ATOMIC ENERGY COMMISSION

The Central Intelligence Agency and the Atomic Energy Commission have nothing in common except the secrecy which is required because both deal with highly classified matters of the greatest importance to the national security. Beyond that, their functions are not comparable. Through the Commission as its operator, the Government is in the manufacturing business—the business of making nuclear energy. Consequently, the Congress has a very different relationship with that Commission than any other governmental agency.

The cost of this business operation is enormous. Beginning in 1941 with the Manhattan project, financed first from the emergency fund for the President and later in various hidden amounts in appropriation bills, and continuing with the Atomic Energy Commission since 1947, appropriations have totaled \$15,202,600,000, of which \$6,806,200,000 has been expended for operations and \$8,396,400,000 has been expended for facilities. The total amount made available to the Central Intelligence Agency since it was created in 1947 is only a minor fraction of even the smallest of those vast sums.

There has been need to make only minor changes in the act creating the Central Intelligence Agency, but the problems of atomic energy are constantly changing. Legislation concerning the activities of the Atomic Energy Commission must be frequently brought up to date to permit it to function adequately.

The dynamics of the program for developing peacetime aspects of atomic energy have tremendous potential consequences for major aspects of national policy. The future production of electric power from coal, oil, or natural gas may be vitally affected. Atomic Energy Commission policies can give rise to conflicts of interest between various groups and individuals and the resulting issues must be subjected to legislative scrutiny. For example, bills before the Joint Commit-

tee have such subjects as construction of industrial facilities, housing at Oak Ridge and self-government at Hanford, taxation, patents, contract awards, and guaranty of uranium ore prices. No such actors relate to the conduct of foreign intelligence.

#### CONCLUSIONS AND RECOMMENDATIONS

A Joint Committee on Atomic Energy was established because of the particular nature of the nuclear problem and the fact that the Federal Government was forced to go into private business on a massive scale. This had important domestic implications in a broad range of fields. The intelligence activities, which it is proposed be subject to a joint committee's scrutiny, are peculiarly the prerogative of the Executive and intimately associated with the conduct of the foreign relations of the country.

I am firmly convinced that Congress now, through its regular Committees on Armed Services and on Appropriations has the opportunity to get the necessary information from the Central Intelligence Agency and the designated members of those committees are doing so without in any way endangering the security of the information given them. We must also remember that the Central Intelligence Agency carries on its work outside the United States boundaries. Many of its agents are in constant physical danger. We, as Members of Congress, must do our part to see that the work is carried on wisely, efficiently, and with due security to the persons who are working in the interests of our Government.

The contacts between the Central Intelligence Agency and the Congress should never be allowed to prejudice or compromise the highly secret work of that Agency. What the Congress has needed to know in the past it has been told. What the Congress will require to know in the future it can obtain through means already in existence. A new joint committee will only complicate the process.

For the above stated reasons I voted against reporting Senate Concurrent Resolution 2 to the Senate and urgently recommend that it be not agreed to.

Mr. BUSH. Mr. President, I should like to speak for 2 minutes in opposition to the concurrent resolution.

Mr. KNOWLAND. I yield 1 minute to the Senator from Connecticut.

Mr. BUSH. Mr. President, I wish to associate myself fully with the remarks recently made by the distinguished Senator from Massachusetts [Mr. SALTONSTALL] and also with the position so ably taken by the distinguished Senator from Arizona [Mr. HAYDEN], both in his written individual views and on the floor. I think the Senator from Arizona has made the situation very clear and has covered three important points.

I should like to emphasize, first, that the language of the concurrent resolution seems to me to be utterly impossible of fulfillment when it provides:

The Central Intelligence Agency shall keep the joint committee fully and currently informed with respect to its activities.

I consider it to be absolutely impossible for the Agency to function in that manner. If it tried to do so it would endanger the lives of Americans who may be in the service of this Government behind the Iron Curtain, and of persons who may be prisoners of war or who may be, indeed, nationals of some of the countries which are behind the Iron Curtain. I think it would be a perilous undertaking.

April 11

ing, and on that ground alone the concurrent resolution should be rejected.

The Senator from Arizona [Mr. HAYDEN] has pointed out very ably that the Central Intelligence Agency is a functionary of the executive branch and is intimately associated with the conduct of the foreign relations of the United States. That, I believe, is true and should be true.

The important thing in connection with the administration of the CIA is that we have as the top Administrator of that organization a man of the highest quality and the greatest ability. I take this opportunity to say that I believe the Government and the country as a whole are very fortunate to have in that position now, in the person of Allen Dulles, a man who is ideally suited by experience, by temperament, and by character to fulfill the obligations of that office.

Therefore, Mr. President, I join very strongly with the distinguished Senator from Arizona in opposing the concurrent resolution.

Mr. JOHNSON of Texas. Mr. President, I yield 5 minutes to the distinguished junior Senator from Montana.

Mr. MANSFIELD. Mr. President, I have listened with much interest this afternoon to my friends, the distinguished senior Senator from Arizona and the distinguished senior Senator from Connecticut. It was an unusual feature of today's session to hear the Senator from Arizona relate some of the experiences of his early days in politics. I wish to assure the Senator that not only were they apropos, but they were well appreciated.

The Senator from Arizona in his individual views has raised a number of questions, and I should like to try to answer some of them, so long as the report and the individual views of Mr. HAYDEN will be included in the RECORD of today's debate.

On page 24, in the individual views of Mr. HAYDEN, the Senator from Arizona states:

If the CIA must have a "watchdog" joint committee, why not have one for the FBI?

As I understand the FBI is a part of the Department of Justice. There are committees in both House of Congress whose purpose it is to supervise matters affecting the Department of Justice, of which the FBI is a part.

Further on the same page, the Senator from Arizona states:

The concurrent resolution leaves little or no room to "take some matters in faith" by specifically directing that—

The Central Intelligence Agency shall keep the joint committee fully and currently informed with respect to all of its activities.

The word "all" is italicized.

I would be willing to agree to the elimination of the word "all," so that the sentence would read:

The Central Intelligence Agency shall keep the joint committee fully and currently informed with respect to its activities.

In that way, a wrong interpretation could not be attached to that particular word.

The question relative to the joint committee staff has been answered in the

colloquy between the Senator from Georgia [Mr. RUSSELL] and myself. Once again, all I can state is that I recognize the difficulties which the CIA apprehends, and that the staff to be selected, if the resolution shall be agreed to, should be very small and certainly should have the highest possible clearance.

Reference has been made to the sum of \$250,000 provided in the concurrent resolution. I would say that the amount is unimportant; that when I submitted the concurrent resolution, the space for the amount was left blank. The amount of \$250,000 was inserted by the Committee on Rules and Administration. So far as I am concerned, \$25,000 would do the job. I think that amount would be sufficient.

At the bottom of page 26, the Senator from Arizona states:

The legislative branch cannot take over an executive function.

I cannot agree with that statement, because I have tried to point out that that is not the purpose of this particular concurrent resolution. The purpose of the concurrent resolution is to retain for Congress the powers which have been granted to it under the Constitution, and to stop the trend of power grabbing which the administrations, both Democratic and Republican, have been following in recent years.

I wish to say again that I think the Senate, and Congress as a whole, ought to wake up to its responsibilities, to guard them, and to guard them well. I wonder if Senators think it odd that the CIA does not want a committee of the kind proposed by the concurrent resolution? Can Senators think of any other agency of the Government which would willingly agree to have a congressional committee supervise it? Not at all. If Senators will examine the legislative history, they will find that all executive agencies do not want to have any congressional supervision, because they feel they will be hamstrung, they will be held down, they will not be allowed to spend as much as they would like to spend. That is the history of bureaucracy under Republican and Democratic administrations.

Do Senators think the executive branch trusts Congress? I think that is immaterial. The question I want to ask is, Does Congress trust itself? Do we think that civilian groups should be given greater authority, and that the Executive should show more confidence in them than we can place in ourselves?

I think we should consider this particular matter and recognize that the concurrent resolution now before the Senate does not call for presidential approval. It is a matter which Congress itself—the Senate and the House—must consider and pass upon. In conclusion, I only say that the choice is ours.

Mr. KNOWLAND. Mr. President, I ask for the yeas and nays on the question of agreeing to the concurrent resolution.

The yeas and nays were ordered.

Mr. KNOWLAND. Mr. President, I yield myself 2 minutes.

I rise in opposition to the Mansfield resolution. I thought the distinguished Senator from Georgia [Mr. RUSSELL]

made a very powerful argument, and I only wish that all the Members of the Senate had been present to hear his remarks and the other debate on the pending concurrent resolution which took place on the floor. The situation with respect to the proposed joint committee is not comparable with that affecting the Joint Committee on Atomic Energy, as has so ably been pointed out by the Senator from Iowa [Mr. HICKENLOOPER] and the Senator from Georgia [Mr. RUSSELL].

Mr. McCARTHY. Mr. President, will the Senator yield for a unanimous-consent request that I may suggest the absence of a quorum without taking it from his time?

Mr. KNOWLAND. Yes.

Mr. McCARTHY. While I disagree with the Senator from California, I think the Senate should hear him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from California yield for that purpose?

Mr. KNOWLAND. Yes; I yield for that purpose, with the understanding that the time will not be taken from either side.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. JOHNSON of Texas. Mr. President, is the request that there be a quorum call, without the time being taken from either side?

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Fulbright	McClellan
Allott	George	McNamara
Barkley	Goldwater	Millikin
Barrett	Gore	Morse
Beall	Green	Mundt
Bender	Hayden	Murray
Bennett	Hennings	Neely
Bible	Hickenlooper	Neuberger
Brieker	Hill	O'Mahoney
Bridges	Holland	Pastore
Bush	Hruska	Payne
Butler	Humphrey	Potter
Capehart	Jackson	Purtell
Carlson	Jenner	Robertson
Case, N. J.	Johnson, Tex.	Russell
Case, S. Dak.	Johnston, S. C.	Saltonstall
Clements	Kefauver	Schoeppel
Cotton	Kennedy	Scott
Curtis	Kerr	Smith, Maine
Daniel	Knowland	Smith, N. J.
Dirksen	Kuchel	Stennis
Douglas	Laird	Symington
Duff	Langer	Thye
Dworshak	Lehman	Watkins
Eastland	Malone	Welker
Ellender	Mansfield	Wiley
Ervin	Martin, Iowa	Williams
Flanders	Martin, Pa.	Wofford
Frear	McCarthy	Young

The PRESIDING OFFICER (Mr. KENNEDY in the chair). A quorum is present.

The Senator from California is recognized for 2 minutes.

Mr. KNOWLAND. Mr. President, to continue with my statement, let me say that I speak in opposition to adoption of the pending concurrent resolution, which was submitted by the Senator from Montana [Mr. MANSFIELD], on behalf of himself and certain other Senators, and which proposes to establish a Joint Committee on Central Intelligence.

Earlier, the distinguished Senator from Georgia [Mr. RUSSELL] very ably pointed out that the proposed Joint Committee on Central Intelligence and the existing Joint Committee on Atomic Energy are not comparable; and the accuracy of that statement by him was borne out by the distinguished former chairman of the Joint Committee on Atomic Energy, the Senator from Iowa [Mr. HICKENLOOPER].

Mr. President, the Joint Committee on Atomic Energy was created by statute, and was given legislative powers. It deals with a subject primarily within the domestic jurisdiction of the United States.

Furthermore, as has been pointed out, I think the key to the present situation is to be found in the fact that the Central Intelligence Agency gathers information outside the United States, in hostile areas of the world where the slightest slip, inadvertent though it might be, could result in uncovering our intelligence system in those areas, and would jeopardize not only the lives of American citizens, but also the lives of the citizens of our allies who may be working in cooperation with us, as well as the lives of many other persons. The lives of all those persons would immediately be endangered; and, as a result, the whole fabric of such a system would be destroyed.

It has been pointed out that at the present time supervision of the CIA is being handled, in part, by a subcommittee of the Armed Services Committee, which is under the able leadership of the Senator from Georgia [Mr. RUSSELL], who has named the members of that subcommittee who have met with Mr. Allen Dulles, the head of the Central Intelligence Agency; and it has been pointed out that such supervision is also shared by a subcommittee of the Appropriations Committee, headed by the distinguished senior Senator from Arizona [Mr. HAYDEN], one of the senior Members of this body. Those Senators have joined in minority views in opposition to adoption of the pending resolution; and I hope all Members of the Senate have now read their views. It has also been pointed out that those subcommittees have available to them whatever information may be necessary.

Some Members of the Senate had, I believe, originally intended to support the pending resolution, based on the report of the Hoover Commission. However, I call attention to the fact that on page 9 of the report which Senators have on their desks, it is shown that the recommendation of the Hoover Commission was that there be established a small, permanent, bipartisan commission composed of Members of both Houses of Congress and other public-spirited citizens commanding the utmost respect and public confidence. The Hoover Commission recommended that such a commission be established by act of Congress, that the commission should make periodic surveys, and so forth. However, the joint committee proposed to be established by the pending resolution is not at all of that type.

Mr. BRIDGES. Mr. President, will the Senator from California yield to me?

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. KNOWLAND. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 5 additional minutes.

Mr. KNOWLAND. Mr. President, at this time I yield to the Senator from New Hampshire.

Mr. BRIDGES. I thank the Senator from California.

Let me say that I was a member of the Hoover Commission, along with the distinguished Senator from Arkansas [Mr. McCLELLAN]. We went very carefully into this situation. I have always felt that this field of government is a very sensitive one, but I have also felt that some check should be had upon it.

I wish to say that the distinguished Senator from Montana [Mr. MANSFIELD] is, I know, a very conscientious and a very able Member of the Senate, and is seeking the answer to this problem; and he has proposed one approach to it.

The approach recommended by the Hoover Commission, of which I had the honor to be a member, was a little different. It recommended an approach by means of an act of Congress or a resolution, under which the President of the United States would enter the field, and under which the Members of both Houses of Congress would be represented on a commission, along with other public-spirited citizens.

I find that I do not agree particularly with the way the President has proceeded by appointing an independent group of citizens, without congressional authority. I am not in accord with the proposal made by the Senator from Montana, in connection with the pending concurrent resolution. I believe that the approach recommended by the Hoover Commission is the best one.

However, I concede, first, that the President, in endeavoring to meet the need to deal with this subject, has proceeded according to his best judgment; and I think he has done so in order to fill this vacuum. I think the Senator from Montana has proceeded according to his best judgment. But somewhere between the two approaches the Hoover Commission plan is probably the most equitable and logical answer to the problem. For that reason I commend the Senator from California for bringing out the particular phase of the approach which was recommended by the Hoover Commission.

Mr. KNOWLAND. I thank the Senator from New Hampshire.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. MANSFIELD. I hold in my hand a letter dated March 13, 1956, addressed to me and signed by Mr. Clarence Francis, Chairman of the Citizens Committee for the Hoover Report, who was, I believe a member of the Hoover Commission. This letter was placed in the Record on Monday, but for the benefit of

the distinguished minority leader I read the following portion:

I am pleased to inform you that the Citizens Committee on the Hoover Report believes that House Concurrent Resolution 2,

It should be "Senate Concurrent Resolution 2" —

would if enacted implement fully the recommendations of the Commission that there be created a Joint Congressional Committee on Foreign Intelligence.

Yours sincerely,

CLARENCE FRANCIS,  
Chairman.

Mr. KNOWLAND. I thank the Senator. Of course, that is not the recommendation which the Hoover Commission made, although obviously the Senator is entitled to his opinion.

I fully concur in what the Senator from New Hampshire [Mr. BRIDGES] says. I have the highest respect for the Senator from Montana. I know that he is concerned with this problem. I know that other Members are concerned with it. But I think there is great merit in what the distinguished Senator from Georgia [Mr. RUSSELL] pointed out. We are dealing with an extremely sensitive field, involving jeopardy to the lives of our own citizens and those with whom we are associated abroad. While I will not go so far, perhaps, as to say, as he did, that we would be better off by abolishing the CIA than by establishing this type of committee, through which we might uncover and destroy the effectiveness of this agency at a time when we are perhaps facing some of the most crucial intelligence problems the country will confront, I think there is much merit in what the Senator from Georgia said.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. KNOWLAND. I shall certainly be glad to sit down with the Senator from Montana, as I know the able Senator from New Hampshire would be glad to do, and discuss means of meeting some of the very real questions he has in mind.

Mr. President, I hope the Senate will not agree to the concurrent resolution.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. McCARTHY. Mr. President, will the Senator yield to me?

Mr. KNOWLAND. I yield myself an additional 2 minutes, and yield to the Senator from Wisconsin.

Mr. McCARTHY. Let me say to the able Senator from California that, while he has made a very good presentation, I heartily disagree with him.

I wonder if he knows that Mr. Bundy, who contributed \$400 to Alger Hiss' defense fund, is now being appointed to a top position in the CIA.

I should also like to say to the able Senator that I have roughly 100 pages of documentation covering incompetence, inefficiency, waste, and Communist infiltration in the CIA, which I am holding in the hope that a committee will be established so that I can turn the information over to it.

Mr. KNOWLAND. I will say to the distinguished Senator from Wisconsin that I do not have the facts which he



April 11

states he has. However, I respectfully say to the Senator from Wisconsin, who has been deeply concerned by the question of Communist infiltration and Communist expansion in the world, as have other Members of this body on both sides of the aisle, that when it comes to the question of the defense of our country there is no center aisle in this Chamber. I believe that Members on both sides of the aisle are vitally concerned with the ultimate security of our country and the preservation of a free world. However, I know, as well as I know that I stand here, that if the distinguished Senator from Wisconsin were to present the facts to which he has referred to the Senator from Georgia [Mr. RUSSELL], in whom I know he has great confidence; to the Senator from New Hampshire [Mr. BRIDGES], who serves on that committee; to the Senator from Massachusetts [Mr. SALTONSTALL], who serves on the Committee on Appropriations as well as on the Committee on Armed Services; or to the distinguished chairman of the Appropriations Committee [Mr. HAYDEN], on which committee the distinguished Senator from Wisconsin serves, they would be in a position to go into the subject very fully, without the necessity of creating a new joint committee in this manner.

The PRESIDING OFFICER. The time of the Senator from California has again expired.

Mr. KNOWLAND. I yield myself 2 additional minutes.

Mr. McCARTHY. Mr. President, will the Senator yield to me?

Mr. KNOWLAND. I yield to the Senator from Wisconsin.

Mr. McCARTHY. The unfortunate situation is that Mr. Dulles takes the position that we cannot call any witnesses from the CIA. I think it would require a committee such as the able Senator from Montana suggests to empower the Senate to subpoena the proper witnesses from the CIA.

As the Senator from California knows, the CIA has hundreds of thousands of dollars of unvouchered funds. There is no accounting for those funds. The CIA is making foreign policy, and refuses to respond to subpoenas. I do not believe any of the committees the Senator has mentioned have the power of subpoena. I think the able Senator from Montana has arrived at the proper answer to this problem. Without further discussion, let me say that I will heartily support the concurrent resolution.

The PRESIDING OFFICER. The time of the Senator from California has again expired.

Mr. KNOWLAND. I yield myself 2 minutes.

I appreciate the comments of the Senator from Wisconsin. Of course, he is entitled to his opinion and judgment. However, I believe that under the rules of the Senate the existing Committee on Armed Services has the power of subpoena. I think there is no question about it. In any event, Mr. President, I know that the President of the United States, who has had some experience in the field of intelligence, as Supreme Commander in Europe during the war, feels

that this proposal would jeopardize the Intelligence Service of this country abroad.

I hope the concurrent resolution will be defeated.

#### DECISION OF SUPREME COURT IN PENNSYLVANIA ANTISEDITION CASE

Mr. McCARTHY. Mr. President, I request that either the proponents or the opponents of the concurrent resolution yield me 7 minutes. I have two bills to introduce, and I should like to discuss them very briefly.

Mr. JOHNSON of Texas. Mr. President, I yield 7 minutes to the Senator from Wisconsin.

Mr. McCARTHY. I thank the Senator. I now introduce the bills.

The PRESIDING OFFICER. Without objection, the bills will be received and appropriately referred.

The bills, introduced by Mr. McCARTHY, were received, read twice by their titles, and referred, as indicated:

S. 3602. A bill amending section 500 of the Servicemen's Readjustment Act of 1944, as amended; to the Committee on Finance.

S. 3603. A bill to amend section 3231, title 18, United States Code; to reaffirm the jurisdiction of State courts to enforce State statutes prohibiting subversive activities; to the Committee on the Judiciary.

Mr. McCARTHY. Mr. President, a decision by the Supreme Court, announced last week, urgently requires action by Congress.

In the case of Commonwealth of Pennsylvania against Nelson, the Court ruled that Pennsylvania's Sedition Act was unconstitutional because the Federal Government had preempted the anti-sedition field. The effect of this extraordinary ruling is to invalidate all State laws providing for prosecution of subversion and sedition.

The Nelson decision was based primarily on the argument that, in enacting various Federal statutes against subversion, Congress intended to exclude the States from this field. A more ridiculous interpretation of the Federal statutes can hardly be imagined. There is not a word in the United States Code that permits this inference; and, as a matter of fact, one section of the code explicitly recognizes the concurrent jurisdiction of the States.

Fortunately, however, this error can be corrected. When the Supreme Court makes a bad decision as the result of misinterpreting the will of the Congress, Congress can remedy the situation by passing new legislation. Therefore, I am introducing today a bill which will put beyond doubt the intention of Congress to share with the States responsibility for protecting this country against subversion. My bill provides, in effect, that no Federal antiradicalism legislation shall be construed to deprive the States of jurisdiction to enforce their own antiradicalism or antiseditious statutes.

The PRESIDING OFFICER. The time yielded to the Senator by the Senator from Texas has expired.

Mr. KNOWLAND. I yield 4 minutes to the Senator from Wisconsin.

Mr. McCARTHY. I thank the Senator very much.

I may say, Mr. President, that I think this matter is of utmost urgency. I hope the Judiciary Committee will report this bill, or one substantially like it, with all possible haste. But I want to say also that I deeply resent the fact that Congress is called upon to enact such legislation. Congress has enough to do without having to spend its time repealing laws enacted by the Supreme Court. The Supreme Court's job is to interpret laws, not to make them. And the Court's decision in the Nelson case is the most outrageous instance of judicial legislation that has ever come to my attention.

By no stretch of logic—or even of the fertile imaginations for which this bench is famous—is the Nelson decision a reasonable interpretation of existing laws. The Court's ruling, and the arguments cited to support that ruling, compel the conclusion that the Court simply made up its own mind about what was best for the country; and then set about looking for reasons, however implausible, to support its position. There are some questions on which reasonable men can differ, but I deny that the issue of supersession as raised in the Nelson case is one of them.

Let me review briefly the reasoning cited by the majority of the Court to support its decision. The Court conveniently listed its reasons as "first," "second," and "third," so let us take them in order.

First, the Court contends that, after reviewing all Federal subversion and sedition laws, "the conclusion is inescapable that Congress has intended to occupy the field of sedition." But the Court does not cite a single passage of any Act that supports this contention. It could not because none exists. Beyond this, the majority of the Court completely ignored a provision of the Federal law which explicitly contradicts its contention. The Smith Act of 1940, which the Court cites as primary evidence that the Federal Government meant to preempt the anti-sedition field, is contained in title 18 of the United States Code. Section 3231 of that title provides that "nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof."

Now, Mr. President, what could be clearer than that?

It cannot be said that the majority of the Court was unaware of this provision for it is cited by the dissenting judges as a "decisive" reason "in and for itself" for upholding the Pennsylvania statute. I do not see how the Supreme Court can look at an enactment of Congress and proclaim that it means exactly the opposite of what the language plainly says, and still maintain the respect of the American people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KNOWLAND. Mr. President, I yield 3 additional minutes to the Senator from Wisconsin.

Mr. McCARTHY. I thank the Senator very much.

1956

Second, the Court states that the "Federal interest" in the antiseditious field "is so dominant that the Federal system must be assumed to preclude endorsement of State laws on the same subject." The Nelson dissent proves that the cases cited by the majority to support this contention are completely inapplicable to the antiseditious laws. But more important, Mr. President: Let us note that the Court is announcing a new and revolutionary doctrine here—namely, that the States do not have a sufficient interest in attempts to overthrow American institutions to justify measures of self-protection. If this doctrine is allowed to stand, we might as well quit talking about a Federal system, and admit that the States have become meaningless political shells. This doctrine is, of course, entirely contrary to our Constitution. Under the Constitution, the States are sovereign bodies except to the extent that they have delegated specific powers to the Federal Government. The States have never delegated to the Federal Government the attribute of sovereignty in question; namely, the right of self-protection. It is perfectly obvious that the States would be powerless to protect themselves if the Federal Government were overthrown by the Communist conspiracy. Therefore, the States have an indeniably legitimate interest in preserving the National Government as well as their own governments. It is for this reason that, until the day of the Nelson decision, it was never doubted that the States shared with the Federal Government a concurrent responsibility for protecting the Federal Government against overthrow by force or violence. To say that the Federal Government has a "dominant" interest in this field so as to preclude concurrent State jurisdiction is to undermine completely the principles of our Constitution.

Third, the Court argues that the enforcement of State sedition acts "presents a serious danger of conflict with the administration of the Federal program." In this instance, the Supreme Court is simply talking off the top of its head. It cites no evidence to support this contention, and conveniently ignores the evidence that proves the contrary.

The best the Court could do by way of supporting its position was to cite a statement by President Roosevelt made in 1939, and another by J. Edgar Hoover, made in 1940—which were to the effect that it is desirable for local law enforcement agencies to furnish the FBI with evidence of subversive activities. Neither of these statements says a word about it being necessary or advisable for State governments to desist from prosecutions.

The clearly competent and therefore appropriate authority on this point is the Justice Department—the Federal agency which is responsible for the enforcement of Federal sedition laws. Plainly, no one is better qualified to determine whether the efforts of the Justice Department to enforce Federal laws are hampered by State laws than the Justice Department itself. Now, in this very case, the Justice Department filed

an amicus curiae brief, which dealt with the point as follows:

The administration of the various State laws has not, in the course of the 15 years that the Federal and State sedition laws have existed side by side, in fact interfered with, embarrassed, or impeded the enforcement of the Smith Act. The significance of this absence of conflict in administration or enforcement of the Federal and State sedition laws will be appreciated when it is realized that this period has included the stress of wartime security requirements and the Federal investigation and prosecution under the Smith Act of the principal national and regional Communist leaders.

But the majority of the Court failed to even mention the Justice Department's views. Just as the Court second-guesses Congress on the question of what Congress intended, just so the Court second-guesses the Justice Department on the question of whether State sedition laws interfere with the enforcement of Federal sedition laws.

I do not think it is necessary, Mr. President, for me to point out that it is desirable for the Congress to reaffirm the concurrent jurisdiction of the States in the sedition field. For the past 30 years the States have played an important role in investigating and prosecuting those who are involved in the Communist conspiracy. State Governments have aided the Federal Government in this field, not obstructed it. It is clearly in the national interest to have as many competent governmental authorities as possible working on the problem of protecting our institutions against the Communist attack. But there is one further point: Let us note that it is not only State prosecutions of communism, but also State investigations of Communists that are affected by the Supreme Court decision. If the States have no jurisdiction to prosecute Communists, then it would seem to follow that the States are also deprived of jurisdiction to conduct investigations looking toward prosecution of Communists.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. McCARTHY. Mr. President, I have one more page. I wonder if the Senator from California will yield me another minute.

Mr. KNOWLAND. I should be glad to, but I have one commitment of 1 minute and another commitment of 2 minutes, and I find I have only 3 minutes remaining. I am sure the acting majority leader will be glad to arrange to give the Senator a few more minutes.

Mr. RUSSELL. Mr. President, I will presume, without any authority, to yield the Senator from Wisconsin 3 minutes.

Mr. McCARTHY. Mr. President, unquestionably, some of the most valuable work in exposing the Communist conspiracy has been accomplished by the investigating committees of State legislatures. It is in the national interest that these committees be permitted to continue their work.

Let me say that I associate myself entirely with the sentiments recently expressed by Representative SMITH of Virginia, that the Nelson case is "merely a

symptom of the dangerous disease that has threatened to destroy completely the sovereignty of the States." The Nelson decision is just one of a long series of decisions in which the Supreme Court has hacked away at the foundations of our Federal system, and one of the many in which the Court has relied on a spurious interpretation of congressional legislation to support its position. I therefore believe that the bill introduced by Representative SMITH 2 years ago—which forbids the Supreme Court to construe a congressional act of Congress as depriving States of jurisdiction unless Congress expressly states its intention to do so—is necessary and urgent legislation. I do not believe, however, that the Smith bill can deal with the problem raised by the Nelson case, since I doubt whether his bill could be enforced retroactively.

Therefore both my bill and Congressman SMITH's bill are necessary. I hope the Congress will act on both of them during this session.

Let me add, Mr. President, that since I prepared my remarks on the Nelson case, the Supreme Court has handed down another ukase that flagrantly violates States rights. In the *Slochow* case, the Court reached a new low in judicial irresponsibility. And it has handed another solid victory to the Communist Party. This extraordinary decision forbids a State educational institution to fire a teacher because he refuses, on the grounds of the fifth amendment, to testify before competent authorities with respect to alleged Communist affiliations.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. RUSSELL. Mr. President, I yield to the Senator from Wisconsin 2 more minutes.

Mr. McCARTHY. Mr. President, I thank the Senator from Georgia.

The Supreme Court maintains that it is unreasonable and arbitrary, and thus a violation of due process, for the city of New York to decide that a person who says, "I will not testify about my alleged Communist associations because a truthful answer might tend to incriminate me," is unfit to teach its youth. It is bad enough that a majority of the Justices have fallen hook, line, and sinker for the leftwing view of what taking the fifth amendment implies; but that the Court should have gone further, and said that a contrary interpretation by a competent State body is impermissible is—as a matter of constitutional law—outrageous.

The *Slochow* and Nelson decisions are only the latest in a recent series of judicial rulings that aid the Communist Party. The Federal judiciary is making a full-scale assault on efforts by various Government authorities to protect American institutions. It is time the American people recognize the seriousness of the threat posed by incompetent and irresponsible judges. It is absolutely essential for State and Federal legislative bodies to work together in seeking means of preventing the judiciary from

erecting a wall of protection around the Communist conspiracy.

Mr. RUSSELL. Mr. President, will the Senator from Wisconsin yield?

Mr. McCARTHY. I yield.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. McCARTHY. Mr. President, will the Senator from Texas yield 1 minute?

Mr. JOHNSON of Texas. I yield.

Mr. RUSSELL. The whole trend of the actions of the Supreme Court in recent months, including the two decisions which the Senator has mentioned, indicates that the Court has dedicated itself to abolishing completely the States and federalizing the American people. Such actions can only lead to the destruction of the rights and liberties of the American people.

Mr. McCARTHY. I thank the Senator from Georgia, and I agree with a hundred percent.

Mr. McCARTHY subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "No Sinister Meaning?" which was published in the Washington Evening Star of today.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### NO SINISTER MEANING?

A five-man majority of the Supreme Court has ruled that New York City cannot dismiss a Brooklyn College professor because he refused to answer a question concerning past Communist affiliations on the ground that a truthful answer might tend to incriminate him.

In a vigorous dissenting opinion, Justice Reed said that this ruling, based on the Federal due process clause, "strikes deep into the authority of New York to protect its local governmental institutions from influences of officials whose conduct does not meet the declared standards for employment." At what point does this intrusion of Federal authority into municipal affairs end? If New York cannot dismiss a professor who refuses to say whether he was a Communist, is its authority equally restricted in the case of a policeman who, on a plea of possible self-incrimination, refuses to say whether he is a grafter? It is true that Justice Clark, speaking for the majority, went on to disclaim any intention of saying that the professor has a constitutional right to serve on the Brooklyn College faculty, and to assert that it "may be that proper inquiry" would show his continued employment to be "inconsistent with a real interest in the State." Just what this may mean is not clear. At the least, however, it means that a city employee cannot be dismissed for refusing to answer questions put to him by a duly qualified investigating agency. To this extent, the freedom of the local authorities to choose their own employees is circumscribed.

There is another aspect of this case worth noting.

The New York Board of Education said that one of two inferences had to be drawn from the professor's refusal to testify: (1) That a truthful answer to the question would tend to prove him guilty of a crime in some way connected with his official conduct, or (2) that in order to avoid answering the question he falsely invoked the claim of self-incrimination.

This was rejected by the court, which said that "at the outset we must condemn the practice of imputing a sinister meaning to the exercise of a person's constitutional right under the Fifth Amendment. \* \* \* The privi-

lege against self-incrimination would be reduced to a hollow mockery if its exercise could be taken as equivalent either to a confession of guilt or a conclusive presumption of perjury."

Does it follow that no inference may be drawn in such a circumstance? When an intelligent man, claiming no misunderstanding and advised by counsel, refuses to answer a proper question on the ground that a truthful answer might incriminate him, is he to be presumed to be innocent of any wrongdoing? It seems to us that the inference which the board of education drew was justified in the circumstances, and that Brooklyn College should have been as free to get rid of this professor as a banker would be free to fire a teller who had refused, on a plea of possible self-incrimination, to say whether he was an embezzler.

#### ESTABLISHMENT OF A JOINT COMMITTEE ON CENTRAL INTELLIGENCE

The Senate resumed the consideration of the concurrent resolution (S. Con. Res. 2) to establish a Joint Committee on Central Intelligence.

Mr. KNOWLAND. Mr. President, I yield 2 minutes to the junior Senator from South Dakota.

Mr. CASE of South Dakota. Mr. President, I am one of the cosponsors of Senate Concurrent Resolution 2, but I now expect to vote against it. Hence I desire to state briefly the reasons for the vote I shall cast.

I offered my name as a cosponsor of the concurrent resolution in the belief that the Central Intelligence Agency needed closer supervision; that it needed to have a sharper sense of responsibility in the spending of money illustrated, for example, by the exorbitant figure they asked for the construction of their new building, and because of other evidence of an indifference to the dollar sign.

I thought it might be desirable also to have joint meetings of the subcommittees of the Senate and House Committees on Armed Services and the subcommittees of the Committees on Appropriations which deal with the Central Intelligence Agency. I think it might be desirable to have such meetings in any event, whether the concurrent resolution shall be agreed to or not.

I think it might be desirable also—and I hope that will be the result of this discussion—for the subcommittees which deal with the Central Intelligence Agency to exert a greater sense of responsibility and closer supervision with respect to some of the activities of that agency.

I have concluded to vote against the concurrent resolution because in the broad authority to create a large staff, and in the provision for the borrowing of consultants, experts, technicians, and clerical and stenographic assistance from various agencies of the Government, I think I sense possibilities that some very highly classified information might become too widely diffused.

In that connection, I am reminded of the story—

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. CASE of South Dakota. May I have 1 more minute?

Mr. JOHNSON of Texas. I yield 1 more minute to the Senator from South Dakota.

Mr. CASE of South Dakota. I am reminded of the story once told by CHARLIE HALLECK, a Member of the House of Representatives. Mr. HALLECK told of the man who said, "I never have any trouble in keeping a secret. The trouble is that the folks to whom I tell it will not keep their mouths shut."

In this instance, the trouble might be that if we start to borrow clerks and assistants from agencies of the Government to create the kind of staff which would be represented by \$250,000, we might be having secrets told to too many people.

I believe, therefore, that the responsibility should rest where it now does, namely, with the Committees on Armed Services and the Committees on Appropriations. But I sincerely hope that as a result of the presentation of the concurrent resolution and the discussion in connection therewith, those committees will exert a closer scrutiny upon the activities of the Central Intelligence Agency.

#### PROPOSED JOINT COMMITTEE ON UNITED STATES INTERNATIONAL INFORMATION PROGRAMS

Mr. HUMPHREY. Mr. President, I should like to speak for 5 minutes in connection with the introduction of a joint resolution.

Mr. JOHNSON of Texas. I yield 5 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I introduce a joint resolution for appropriate reference, and I desire to make a brief statement in connection therewith.

The United States Advisory Commission on Information, established pursuant to Public Law 402, 80th Congress, is making public today its 11th semi-annual report to Congress as required by law. Congress authorized this Commission in order that the public interest might be adequately represented in the conduct of our international information programs. The five members of the Commission are appointed by the President with the advice and consent of the Senate. The Chairman of the Commission is Dr. Mark May, director, institute of human relations, Yale University. Other members are Edwin D. Canham, editor, Christian Science Monitor; Sigurd S. Larmon, president, Young & Rubicam; Judge Justin Miller, retired chairman of the board, National Association of Radio and Television Broadcasters; and Philip D. Reed, chairman of the board, General Electric Co.

This group of distinguished Americans has performed a real public service in their efforts to strengthen our international information programs. The members have been in constant touch with the planning and operations phases of those programs. Periodic visits have been made to the field offices of many of the countries where we maintain an information program in order to learn firsthand the problems which must be met on the local or country level and

1956

quickly resolved. They have studied the activities carried on by unfriendly forces abroad to discredit the United States and to confuse the public mind about American intentions. The Commission has never hesitated to be critical of any phase of our information activity where the facts have required such criticism. Above all it has sought to bring stability, efficiency, imagination and public understanding to a function of government which has been forced upon us by circumstances largely beyond our control.

The United States Advisory Commission on Information is to be congratulated for the constructive and pioneer work it has accomplished since its creation in 1948.

It is the practice of the Commission, in connection with its semiannual report to Congress, to set forth a series of recommendations based upon its studies and findings during the preceding 6-month period. Those recommendations are made in order to effectuate the purposes and objectives of the United States Information and Educational Exchange Act of 1948—Public Law 402. Such recommendations have been directed to the President, Congress, and to the executive responsible for the direction of our international information program. It is encouraging to note that most of the recommendations made by the Commission in previous reports have been acted upon favorably. Members of Congress will want to study carefully, and act upon, the many recommendations made by the Commission specifically to the Congress in part III of today's report.

But there is one item which, I believe, demands our immediate attention and speedy compliance. There is one basic recommendation which has been advanced since 1953 on which no action has been taken as yet. That is the recommendation to Congress that it establish a Joint Committee on International Information Programs.

In its Seventh Semiannual Report to Congress dated February 20, 1953, the Advisory Commission recommended "that a permanent Joint Congressional Committee on International Information be established to provide liaison between the legislative and executive branches." In support of this recommendation the following statement appears in that 1953 report:

The need for such a committee was also apparent in past years. Mr. Elmer Davis, wartime Director of the Office of War Information, in his concluding report to the President, stated that such a joint committee would be needed should the occasion for overseas propaganda operations ever again arise. Such a need is now more than evident to the members of this Commission.

This same recommendation was repeated in the Ninth Semiannual Report under date of February 2, 1954.

In its 10th Semiannual Report dated February 10, 1955 this same recommendation was again repeated.

The 11th Semiannual Report of the Advisory Commission made public today repeats this recommendation once more.

The report carries this statement in support of the recommendation:

For the past 3 years this Commission has believed that the appointment of such a committee would be instrumental in strengthening the work of the United States Government in this field. We would not ask the Congress to add another committee to the almost overwhelming number that now exist were it not for the inescapable fact that the importance of information in international affairs, and for our own national security, is rapidly increasing.

The Commission report also takes specific notice of House Joint Resolution 433, introduced by Congressman FEIGHAN, of Ohio, to provide for the creation of a Joint Committee on United States International Information Programs. The Commission endorses this resolution and now urges the Congress to act favorably on it.

This resolution, identical with House Joint Resolution 433, is very carefully drawn. It emphasizes the need for a bipartisan approach to the conduct of our overseas information work. It calls for an 18-member committee, 9 from the Senate and 9 from the House. Two members, 1 from each party, are to be selected from each of the following Senate Committees: The Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations. Provision is made for 3 members at large, 2 from the majority and 1 from the minority. This same procedure will be followed in the selection of members from the House.

The joint committee is to elect its own chairman and vice chairman. The chairmanship and vice chairmanship are to rotate between the two Houses with each session of Congress.

The terms of reference of this joint committee are carefully defined so as to avoid the possibility of duplicating the work of any of the standing committees. In addition to inquiring into the extent and effectiveness of our present international information programs, this resolution calls for an examination into the extent to which scientific research and development in the field of mass communications has progressed in the United States and the degree to which such scientific advances are utilized by our information programs. It also calls for constant study of the technique, special characteristics, and extent of all types of Communist propaganda in order to better understand what we must do to present the true facts about the United States and its policies to all the people of the world.

Through such a joint committee a continuous, cooperative relationship between Congress and the United States information programs will be built. The regular exchange of views, together with discussion of the major problems facing the information programs or hindering their most effective operation, should bring added stability and strength to the present work.

Since about 1948 a great deal has been said about the "cold war of ideas"; "the struggle for the minds of men"; "the unlimited power of ideals," and the "conflict of ideologies" between the East and the West. In 1950 President Truman called for a worldwide campaign of truth in order to prevent war

and to win the peace. In December 1955 President Eisenhower, in a conference with the leaders of Congress, called for a greatly expanded international information program in order to meet the challenge of the latest Russian propaganda offensive. Leaders in practically every walk of life have expressed their opinions on the importance of an adequate information program. Few people today fail to understand how the advancement of science has reduced the size of the earth and made mass communications a new dimension in world affairs. The importance of a sound international information program to our national security is now beyond reasonable debate.

Mr. President, the Congress still has to play a full and useful role in assisting the American people of a sound and adequate international information program. The only opportunity Congress now has to make its contribution to this important work is when the appropriations bill for the USIA is before the Senate or House. This occurs once a year. Individual members have interested themselves in this work and have made splendid contributions to it. The Senate Foreign Relations Committee has naturally taken an interest in the information programs. But Congress has not given the attention to this work which its promise for the future warrants and requires.

With all the arguments advanced to point out the importance of our international information programs, I believe there is one which is more compelling than all others. That is the unwavering belief that mankind can win through to lasting peace despite the present obstacles to that cherished goal. Among those obstacles are ignorance and hatred. Despots and tyrants down through history have always played upon ignorance to generate hatred. No tyrant or despot can thwart the hopes of mankind without his historical allies of ignorance and hatred. Similarly, we as a Nation will advance toward our goal of peace in proportion to the progress we make in removing the factors of ignorance and hatred from the relations between nations and people. The demonstrated capability of modern means of mass communication present a real challenge to all those who work for a better world. That challenge is how we shall best use these modern means of mass communication to attain our cherished goals.

It is for these reasons that I now introduce in the Senate an identical resolution to House Joint Resolution 433. Through the bipartisan spirit expressed in the language of that resolution, I trust that a good number of my colleagues will join in with me in its introduction. Hence, I ask, Mr. President, that the joint resolution remain at the desk until the close of Senate business on Monday, April 16, so that other Senators may have an opportunity to familiarize themselves with the proposal and to co-sponsor it if they wish.

I ask unanimous consent that the text of the joint resolution which I am introducing may be printed at this point in my remarks.



April 11

The **PRESIDING OFFICER**. The joint resolution will be received and appropriately referred; and, without objection, the text of the joint resolution will be printed at this point in the **RECORD**.

The joint resolution (S. J. Res. 161) to establish a joint congressional committee, to be known as the Joint Committee on United States International Information Programs, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the **RECORD** as follows:

*Resolved, etc.*, That (a) there shall be a joint congressional committee known as the Joint Committee on United States International Information Programs (hereinafter in this joint resolution referred to as the "joint committee").

(b) The joint committee shall be composed of 18 members as follows:

(1) Nine Members of the Senate, appointed by the President pro tempore of the Senate, as follows:

(A) Two from each of the following committees, 1 from the majority and 1 from the minority party: The Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations; and

(B) Three at large from the Senate, 2 from the majority and 1 from the minority party.

(2) Nine Members of the House of Representatives, appointed by the Speaker of the House, as follows:

(A) Two from each of the following committees, 1 from the majority and 1 from the minority party: The Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs; and

(B) Three at large from the House of Representatives, 2 from the majority party and 1 from the minority party.

(b) No person appointed by the Speaker of the House under section 2 (A) shall continue to serve as a member of the joint committee after he has ceased to be a member of the committee of the House of Representatives of which he was a member when appointed to the joint committee, except that a member who has been reelected to the House of Representatives may continue to serve as a member of the joint committee notwithstanding the expiration of the Congress.

(c) A vacancy in the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection.

(d) The joint committee shall elect a chairman and vice chairman from among its members, and the chairmanship and vice chairmanship shall rotate between the two Houses with each session of Congress.

(e) Subject to applicable provisions of law, the joint committee may appoint and fix the compensation of such personnel as it shall determine to be necessary to carry out the purposes of this joint resolution.

(f) The expenses of the joint committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the chairman or vice chairman.

Sec. 2. (a) The joint committee shall—

(1) conduct public hearings on, and cause studies to be made concerning, the extent and effectiveness of all United States international information programs;

(2) cause studies to be made of the technique, special characteristics, and extent of all types of Communist propaganda, including methods used to penetrate information media of the free world with such propaganda;

(3) inquire into the extent to which scientific research and development in the field of mass communications have progressed in the United States and the degree to which such scientific advances are utilized by the United States international information programs; and

(4) provide a continuous, cooperative relationship between Congress and the United States international information programs, counsel with executives and policymakers of such programs, and promote a better public understanding of the objectives of such programs.

(b) As used in this joint resolution the term "United States international information program" means any program operated by or financed in whole or in part by any department or agency of the Government utilizing media of communications or other psychological or informational means to inform or to influence opinion among people of other nations.

Sec. 3. The joint committee shall report to the Congress twice annually (beginning on July 1, or January 1, after the effective date of this act, depending upon which date is nearest) on the extent and effectiveness of United States international information programs and at such other times as the joint committee deems necessary; and shall recommend to the President and to Congress steps considered necessary to improve the quality, coverage, and impact of all such programs.

Sec. 4. For the purposes of this joint resolution the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The provisions of section 102 to 104, inclusive of the Revised Statutes shall apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section.

#### PRINTING OF INDEX OF REPORTS OF COMMISSION ON INTERGOVERNMENTAL RELATIONS (S. DOC. NO. 111)

Mr. McCLELLAN. Mr. President, will the distinguished minority leader yield 1 minute to me?

Mr. KNOWLAND. I would be assuming authority I do not have if I yielded time under the control of the majority leader. I am sure the majority leader will be available in a minute.

Mr. JOHNSON of Texas. Mr. President, I yield 1 minute to the distinguished Senator from Arkansas.

Mr. McCLELLAN. Mr. President, on behalf of the Committee on Government Operations, I submit herewith an index to the report, Various Study Committees, Staff and Survey Reports, and Supporting Documents of the Commission on Intergovernmental Relations, and ask unanimous consent that it be printed as a Senate document.

This index, which covers 16 reports published by the Commission on Intergovernmental Relations, was prepared by the Legislative Reference Service of the Library of Congress at the request of the Committee on Government Operations.

Since the Commission inadvertently overlooked the preparation and printing

of an index to these reports, which were referred to the Committee on Government Operations, the committee requested the Library of Congress to compile the index and approve its publication as a Senate document, to insure that the reports may be properly utilized.

The **PRESIDING OFFICER**. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

#### ESTABLISHMENT OF A JOINT COMMITTEE ON CENTRAL INTELLIGENCE

The Senate resumed the consideration of the concurrent resolution (S. Con. Res. 2) to establish a Joint Committee on Central Intelligence.

Mr. McCARTHY. Mr. President, will the Senator from California yield me 2 minutes?

Mr. KNOWLAND. I yield 2 minutes to the distinguished junior Senator from Wisconsin.

Mr. McCARTHY. Mr. President, I have in my hand a documentation of incompetence, theft, and Communist infiltration in the CIA. I shall not introduce it into the **RECORD**, because it may contain some security information. But I want the Chair to know that the minute the proposed committee is established, I will promptly turn over all this information to the committee.

Mr. LANGER. Mr. President, will the majority leader yield me 1 minute?

Mr. JOHNSON of Texas. I yield my friend from North Dakota 2 minutes.

Mr. LANGER. As a cosponsor of the concurrent resolution, I wish to reply to the reference made by the distinguished Senator from South Dakota [Mr. CASE] that the staff of the committee which would be created could not be trusted. He did not say anything about the 1,000 or 5,000 or 10,000 employees of the CIA. I would trust a staff made up of 5 or 10 or 25 persons as much as I would one, two, three, or five thousand employees working for the CIA, whose names we do not know, not one of whom has been confirmed by the Senate.

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. BIBLE in the chair). The clerk will call the roll.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the time not be charged to the other side, because I do not know whether the majority leader has other commitments.

Mr. McCLELLAN. Mr. President, I understand the majority leader does not have any other commitments.

The **PRESIDING OFFICER**. The time has about expired. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Bridges	Curtis
Allott	Bush	Daniel
Barkley	Butler	Dirksen
Barrett	Capehart	Douglas
Beall	Carlson	Duff
Bender	Case, N. J.	Dworshak
Bennett	Case, S. Dak.	Eastland
Bible	Clements	Ellender
Bricker	Cotton	Ervin

1956

## CONGRESSIONAL RECORD — SENATE

Flanders  
Frear  
Fulbright  
George  
Goldwater  
Gore  
Green  
Hayden  
Hennings  
Hickenlooper  
Hill  
Holland  
Hruska  
Humphrey  
Jackson  
Jenner  
Johnson, Tex.  
Johnston, S. C.  
Kefauver  
Kennedy

Kerr  
Knowland  
Kuchel  
Laird  
Langer  
Lehman  
Malone  
Mansfield  
Martin, Iowa  
Martin, Pa.  
McCarthy  
McClellan  
McNamara  
Millikin  
Morse  
Mundt  
Murray  
Neely  
Neuberger  
O'Mahoney

Pastore  
Payne  
Potter  
Purtell  
Robertson  
Russell  
Saltonstall  
Schoeppel  
Scott  
Smith, Maine  
Smith, N. J.  
Stennis  
Symington  
Thye  
Watkins  
Welker  
Wiley  
Williams  
Wofford  
Young

Dixsen  
Douglas  
Duff  
Dworschak  
Eastland  
Ellender  
Flanders  
Frear  
Goldwater  
Hayden  
Hennings  
Hickenlooper  
Holland  
Hruska

Johnson, Tex.  
Johnston, S. C.  
Knowland  
Kuchel  
Laird  
Malone  
Martin, Iowa  
Martin, Pa.  
McClellan  
Millikin  
O'Mahoney  
Potter  
Purtell  
Robertson

Russell  
Saltonstall  
Schoeppel  
Scott  
Smith, N. J.  
Stennis  
Symington  
Thye  
Watkins  
Wiley  
Williams  
Wofford  
Young

## NOT VOTING—10

Anderson  
Byrd  
Chavez  
George

Ives  
Long  
Magnuson  
Monroney

Smathers  
Sparkman

The PRESIDING OFFICER. A quorum is present.

Mr. JOHNSON of Texas. Mr. President, I yield back the remainder of my time, with the understanding that the opposition will do likewise.

The PRESIDING OFFICER. The time of the opposition has expired. The Senator from Texas has yielded back the time under his control.

The question is on agreeing to Senate Concurrent Resolution 2, as amended. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GEORGE (when his name was called). On this vote, I have a pair with the senior Senator from Virginia [Mr. BYRD]. If the Senator from Virginia were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. CLEMENTS. I announce that the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

The Senator from Virginia [Mr. BYRD] is absent because of illness.

I further announced that if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Washington [Mr. MAGNUSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] would each vote "yea."

Mr. SALTONSTALL. I announce that the Senator from New York [Mr. IVES] is absent because of illness. If present and voting, the Senator from New York would vote "nay."

The result was announced—yeas 27, nays 59, as follows:

## YEAS—27

Barrett  
Clements  
Ervin  
Fulbright  
Gore  
Green  
Hill  
Humphrey  
Jackson

Jenner  
Kefauver  
Kennedy  
Kerr  
Langer  
Lehman  
Mansfield  
McCarthy  
McNamara

Morse  
Mundt  
Murray  
Neely  
Neuberger  
Pastore  
Payne  
Smith, Maine  
Welker

## NAYS—59

Alken  
Allott  
Barkley  
Beall  
Bender  
Bennett

Bible  
Bricker  
Bridges  
Bush  
Butler  
Capehart

Carlson  
Case, N. J.  
Case, S. Dak.  
Cotton  
Curtis  
Daniel

So the concurrent resolution (S. Con. Res. 2) was rejected.

## SIGNING OF CONFERENCE REPORTS BY MAJORITY OF THE MANAGERS OF EACH HOUSE

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1193, Senate Concurrent Resolution 36.

The PRESIDING OFFICER. The concurrent resolution will be stated by title, for the information of the Senate.

The LEGISLATIVE CLERK. A concurrent resolution (S. Con. Res. 36) requiring conference reports to be accompanied by statements signed by a majority of the managers of each House.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the concurrent resolution (S. Con. Res. 36) requiring conference reports to be accompanied by statements signed by a majority of the managers of each House.

## LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I should like to make an announcement for the information of the Senate, if I may have the attention of Senators: I am informed that the other body has just rejected a motion to recommit the conference report on the farm bill—doing so by a vote of 238 to 181, or a majority of 57—and that the roll is now being called there on the question of the adoption of the conference report. The vote would indicate that the conference report will be adopted overwhelmingly, and will shortly be before the Senate. Therefore, I inform Senators that in the event the report is approved by the House and is received by the Senate within the next hour or so, it is planned that the Senate shall remain in session until late this evening, in an attempt to dispose of the conference report.

## FEDERAL HOUSING ADMINISTRATION REGULATION RESPECTING CERTAIN THICKNESSES OF LUMBER

Mr. JENNER obtained the floor.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. JENNER. I yield.

Mr. MORSE. I ask unanimous consent that I may speak for 6 minutes

without the Senator from Indiana losing his right to the floor, on an emergency problem which has arisen in my State, with respect to which I think the Senate should be informed before the Committee on Banking and Currency holds a hearing tomorrow morning.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon? The Chair hears none, and the Senator from Oregon is recognized for 6 minutes, with the understanding that the Senator from Indiana [Mr. JENNER] will not lose the floor.

Mr. MORSE. Mr. President, I should like particularly to have the attention of members of the Senate Committee on Banking and Currency, of which I am a member.

Tomorrow morning a subcommittee of that committee will begin writing up the bill relating to the Federal Housing Administration. I shall appear before the subcommittee and ask for the suspension of writing up that bill until we can obtain the facts and correct what I am satisfied Senators will agree is a gross injustice which the FHA is imposing on builders on the west coast. Let me say to the Senator from California [Mr. KNOWLAND] that this regulation will affect California in a matter of a few hours, as well as the State of Washington and my own State.

The situation is this: The FHA has written what, in my judgment, is an order which represents the height of bureaucratic assinnity, an order which will stop construction, and is stopping construction this very hour, on many houses in my State. The situation will later spread to the other States, unless they use lumber of a thickness of twenty-five thirty-seconds of an inch, instead of the so-called 3/4-inch lumber, which is twenty-four thirty-seconds of an inch in thickness. The 3/4-inch thickness of lumber has been used for years in the construction of FHA housing in the West. It is agreed by all, including FHA headquarters in Washington, that a 2 1/2-inch board will give a house all the structural strength it needs, and in excess of what it needs. But because there is a so-called standard of 2 1/2-inch thickness which is laid down by the American Lumber Standards Committee the Commissioner of the FHA is taking the arbitrary position that until that standard is changed by the American Lumber Standards Committee the FHA will continue to require lumber of 2 1/2 inch in thickness. This very afternoon its inspectors are closing down housing projects in Oregon, and I am advised will have to close them down, in the hours immediately ahead, in Washington and California as well because of the delivery of 2 1/2-inch lumber to the contractors and builders instead of 2 3/4-inch lumber.

This order is perfectly absurd and silly. What we need to do in the Banking and Currency Committee is to bring before that committee immediately the Commissioner of the Federal Housing Administration for a full disclosure and explanation of this arbitrary ruling on the part of the FHA.

April 11

Mr. President, a few minutes ago I released to the Press Gallery a press release on this matter, which reads as follows:

Senator WAYNE MORSE, Democrat, of Oregon, issued the following statement today in regard to what he termed irresponsible arbitrariness on the part of the Federal Housing Administration. He stated:

"As a member of the Banking and Currency Committee, I have just listened to frantic appeals from representatives of home builders, contractors, mortgage-loan officials, and homeowners whose homes are in the process of construction, in protest over what must be characterized as an asinine ruling of the Federal Housing Administration at the Washington, D. C., level.

"For years FHA inspectors have approved construction inspection of FHA-financed homes in which boards with a thickness of twenty-four thirty-seconds of an inch have been used. On March 13 the Washington office of FHA sent a letter setting forth an order that, effective March 15, board thickness must be twenty-five thirty-seconds of an inch. The effective date of order, March 15, had arrived before the letter was even received in Oregon. It is admitted by all that the difference of one-thirty-seconds of an inch in no way affects the structural soundness of the houses. In fact, it is admitted that twenty-four thirty-seconds of an inch thickness produces a house with structural strength much beyond the minimum strength necessary. The physical fact is that much of the so-called twenty-five thirty-seconds of an inch lumber coming from the same sawmill will vary more than one thirty-seconds of an inch from cutting to cutting. Yet the FHA is standing behind its arbitrary order, with the result that today construction of FHA houses is being closed down, not only in Oregon, but the work stoppage is spreading up and down the west coast. This action by the FHA threatens the lumber industry of the Northwest and the construction industry of the west coast, and if this order is carried to its logical conclusion would require that the FHA measure every board going into every house that they are guaranteeing.

"This is bureaucratic asininity at its worst. I am appearing before the Banking and Currency Committee tomorrow morning, asking for a cessation of any consideration of the omnibus housing bill now before it until the FHA Administrator appears before the committee to clean up this mess."

I also wish to read to the Senate an article published in the April 6 issue of the Eugene Register-Guard, the newspaper of my home town, dealing with this subject matter, which reads as follows:

Lumbermen said Friday they were confident they would soon settle the controversy that led the Federal Housing Administration to man the  $\frac{3}{4}$ -inch-thick boards mills now are producing.

The FHA said it would have to reject loan applications on houses where boards were stamped with the  $\frac{3}{4}$ -inch designation, since the American Lumber Standards organization calls for twenty-five thirty-seconds of an inch thickness in boards.

Lumbermen and FHA officials were agreed it was a technicality over one-thirty-seconds of an inch that could be straightened out April 30 when the American Lumber Standards Committee meets. If that committee approves  $\frac{3}{4}$ -inch-thick boards as the new standard, the FHA also will approve, J. Guy Arrington, Oregon FHA director, said.

Lumbermen said mills have been producing three-quarter boards for some years, but the trouble arises now because the mills have just begun stamping the thickness on the boards.

"Structurally, there is no difference in strength between a  $\frac{3}{4}$ -inch board and one twenty-five thirty-seconds of an inch thick. I don't think we should be stuffy about this. The main thing is we want a structure that is sound within the intent of our mortgage-guaranty program. We are going to rely on our officers. I'm hoping they will use their common sense," said Charles A. Bowser, Assistant Commissioner in charge of underwriting for the FHA in Washington, D. C. Arrington said, however, his office would not approve loans where it was known  $\frac{3}{4}$ -inch board had been used.

"Of course, where a house is already built, we can't see what size is stamped on the boards. And if the boards are unstamped in new construction we probably can't tell the size—water content can make more than one thirty-second of an inch difference," Arrington said.

But Arrington said that where stamped lumber can be seen loan applications will be rejected until the national FHA office puts out a new directive or the American Lumber Standards Committee approves the  $\frac{3}{4}$ -inch board.

Mr. President, I have just been in long-distance telephone conference with representatives of homeowners, mortgage-loan bankers, contractors, and lumbermen. They say that this order is perfectly asinine.

On March 13 the FHA sent out a letter announcing that on March 15 the  $\frac{25}{32}$ -inch-thickness requirement would be laid down. Before the letter reached Oregon the application date had already arrived. Carloads of lumber had already been loaded for shipment to builders and contractors. Lumber was piled up on building sites— $\frac{24}{32}$ -inch lumber. But the FHA Administrator is laying down the rule that such lumber cannot go into the houses, because there is a standard laid down by the American Lumber Standards Committee, and the Commissioner is reported to me as having taken the position that it was understood in the industry that the industry should meet the standards of the American Lumber Standards Committee. However, I point out that I have been advised that for years so-called  $\frac{3}{4}$ -inch lumber has been used in FHA housing and inspectors for FHA know it and have approved the houses. Now all at once the Commissioner cracks down on the builders.

Mr. President, this order involves a terrific cost to the building-construction industry in the West. All the industry is asking for is a 30 days' suspension of the order—the policy involved has been in effect for years—until, at the Chicago conference of the American Lumber Standards Committee, to be held the latter part of April, this subject can be considered. At this conference it is expected that the old standard of twenty-five thirty-seconds will be changed, permitting  $\frac{3}{4}$ -inch lumber to be used.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MORSE. I shall be glad to yield in a moment.

One further point is that it is a physical fact that, day in and day out, lumber which is cut by a particular saw in a mill will vary during the day more than one thirty-second of an inch. The same saw will vary in its cutting. Yet we are

confronted with a ruling that unless lumber is stamped in such a manner as to indicate that it is twenty-five thirty-seconds of an inch thick, it cannot go into FHA housing.

Mr. President, this means losses of large sums of money if this order is not suspended until the question can be cleared up. This order and the way it was issued is what I call government by arbitrary edict. It is the kind of arbitrary action which we must stop.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. FULBRIGHT. There is scheduled for tomorrow morning a committee meeting of the Subcommittee on Housing. If the Senator would like me to do so, I shall be delighted to issue an invitation to the Federal Housing Commissioner to attend the hearing and discuss this question.

Mr. MORSE. I appreciate very much the offer of the Senator from Arkansas who is the chairman of the Banking and Currency Committee. All I ask is an opportunity to bring the Commissioner before the Housing Committee to explain the order, and to answer the questions which I know my constituents will wish to ask him.

Mr. FULBRIGHT. I will see that such an invitation is issued to him this afternoon to attend that meeting.

If the Senator will further yield, I ask unanimous consent that the full Committee on Banking and Currency be authorized to meet tomorrow afternoon during the session of the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. I thank the Senator very much; and I thank the Senator from Indiana [Mr. JENNER] for his courtesy.

#### REEXAMINATION OF OUR FARM POLICIES

Mr. JENNER. Mr. President, I introduce a bill which I send to the desk and ask to have appropriately referred.

The PRESIDING OFFICER. Without objection the bill will be received and appropriately referred.

The bill (S. 3608) establishing the Joint Congressional Commission on Fundamental Farm Policy, introduced by Mr. JENNER, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. JENNER. Mr. President, in view of the action of the House just reported by the majority leader, I should like to discuss for a while the question of a re-examination of our farm policies.

It is time for Congress to get off the treadmill of superficial discussion of the farm problem. We have an emergency farm problem, and I favor vigorous emergency measures to give the farmers whatever help is proper and just. That is why I have given my support to the measure recently passed by the Senate, the conference report on which will be before the Senate in about an hour.

There is no reason why the farmers should bear the brunt of all the errors